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THE

LAW REPORTS.

The Public General Statutes

PASSED IN THE THIRTEENTH AND FOURTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH.

1923.

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TABLE I.

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS OF 1923

being the Acts passed in the SECOND SESSION of the THIRTY-SECOND PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN and IRELAND.

13 & 14 GEORGE 5.—A.D. 1923.

1. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and twenty-three, and one thousand nine hundred and twenty-four. (*Consolidated Fund* (*No.* 1).)

2. An Act to amend the provisions of the Unemployment Insurance Acts, 1920 to 1922, relating to special periods, the period of benefit and the conditions for the receipt of benefit, to provide for continuing the existing rates of benefit and for making consequential alterations in the rates of contributions, and to enable benefit to be administered in the case of persons under the age of eighteen years through local education authorities, and otherwise to amend those Acts. (*Unemployment Insurance.*)

3. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. (*Army and Air Force* (*Annual*).)

4. An Act to provide for the increase of certain fees and the imposition of certain new fees in respect of various services, and for purposes connected therewith. (*Fees* (*Increase*).)

5. An Act to amend the Dangerous Drugs Act, 1920, and section seventeen of the Pharmacy Act, 1868, and to prescribe the method of calculating percentages in liquid preparations for the purpose of the Poisons and Pharmacy Act, 1908, and the Dangerous Drugs Act, 1920. (*Dangerous Drugs and Poisons* (*Amendment*).)

6. An Act to extend the duration of and amend certain provisions of the Local Authorities (Financial Provisions) Act, 1921, and the Poor Law Emergency Provisions (Scotland) Act, 1921. (*Local Authorities* (*Emergency Provisions*).)

7. An Act to continue the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and any enactment amending that Act, until the thirty-first day of July nineteen hundred and twenty-three. (*Increase of Rent and Mortgage Interest Restrictions* (*Continuance*).)

8. An Act to consolidate and amend the law relating to Industrial Assurance, and to make provision with respect to war bond policies and policies to which the Courts (Emergency Powers) Act, 1914, applies, and bond investment business. (*Industrial Assurance.*)

9. An Act to consolidate certain Enactments relating to Agricultural Holdings in England and Wales. (*Agricultural Holdings.*)

10. An Act to consolidate the Enactments relating to Agricultural Holdings in Scotland. (*Agricultural Holdings* (*Scotland*).)

11. An Act to make perpetual, subject to an amendment, the Special Constables Act, 1914; to provide for the employment of special constables in connection with Naval, Military and Air Force yards and stations; and to remove certain limitations on the appointment of special constables in Scotland. (*Special Constables.*)

12. An Act to prohibit the institution and prosecution of legal proceedings in respect of action taken under the Restoration of Order in Ireland Regulations, and to make provision as to claims for compensation by persons affected. (*Restoration of Order in Ireland* (*Indemnity*).)

13. An Act to amend the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, with respect to the effect of notices to increase rent given thereunder; and for purposes consequential thereon. (*Rent Restrictions* (*Notices of Increase*).)

14. An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, to amend the Law relating to Customs and Inland Revenue

(including Excise) and the National Debt, and to make further provision in connection with Finance. (*Finance.*)

15. An Act to provide for the transfer of certain property, rights, duties and liabilities in or in connection with the Island of Alderney. (*Alderney* (*Transfer of Property, &c.*).)

16. An Act to consolidate and amend the enactments relating to Salmon and Freshwater Fisheries in England and Wales. (*Salmon and Freshwater Fisheries.*)

17. An Act to amend the Explosives Act, 1875. (*Explosives*).

18. An Act to enable local authorities under certain circumstances to maintain, repair and protect war memorials vested in them. (*War Memorials* (*Local Authorities' Powers*).)

19. An Act to amend the Matrimonial Causes Act, 1857. (*Matrimonial Causes.*)

20. An Act to make provisions for facilitating the working of minerals and for imposing restrictions on the working of minerals required for the support of railways, buildings, and works. (*Mines* (*Working Facilities and Support*).)

21. An Act to provide for the transfer of certain properties to the Forestry Commissioners and to amend the Forestry Act, 1919, and for purposes in connection therewith. (*Forestry* (*Transfer of Woods*).)

22. An Act to provide for the collection of a contribution by cotton spinners in Great Britain to the funds of the Empire Cotton Growing Corporation; and for other matters relating to the Cotton Industry. (*Cotton Industry.*)

23. An Act to amend the Bastardy Laws, and to make further and better provision with regard to children of unmarried parents; and for other purposes connected therewith. (*Bastardy.*)

24. An Act to amend the enactments relating to the Housing of the Working Classes (including the amendment and revocation of building byelaws), Town Planning and the Acquisition of Small Dwellings. (*Housing, &c.*)

25. An Act to amend the Agricultural Holdings Acts. (*Agriculture* (*Amendment*).)

26. An Act to amend the Law with respect to Customs in the Isle of Man. (*Isle of Man* (*Customs*).)

27. An Act to amend the Railway Fires Act, 1905. (*Railway Fires Act* (1905) *Amendment.*)

28. An Act to amend the law relating to the sale of intoxicating liquor to persons between fourteen and eighteen years of age. (*Intoxicating Liquor* (*Sale to Persons under Eighteen*).)

29. An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. (*Public Works Loans.*)

30. An Act to extend temporarily the powers of the Minister of Transport with respect to the authorisation of railway works. (*Railways* (*Authorisation of Works*).)

31. An Act to empower the Secretary of State in Council of India to raise money in Great Britain for the Service of the Government of India. (*East India Loans.*)

32. An Act to amend and prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and any enactment amending that Act and to make provision as to the rent and recovery of possession of premises in certain cases after the expiry of that Act, and for purposes in connection therewith. (*Rent and Mortgage Interest Restrictions.*)

33. An Act to make further provision with respect to the Universities of Oxford and Cambridge and the Colleges therein. (*Universities of Oxford and Cambridge.*)

34. An Act to facilitate the advance of money and the grant of credit for certain agricultural purposes, and to amend the Improvement of Land Act, 1864, and for purposes connected therewith. (*Agricultural Credits.*)

35. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-four, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

36. An Act to amend the Dentists Act, 1921. (*Dentists.*)

37. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)

38. An Act to amend the law relating to the education of children who are receiving education in an area other than that to which they belong. (*Education* (*Institution Children*).)

39. An Act to amend the law relating to the relief from rates to be given in respect of agricultural land in England and agricultural land and heritages in Scotland, and for purposes in connection therewith. (*Agricultural Rates.*)

40. An Act to amend the Merchant Shipping Acts, 1894 to 1921, with respect to the expenses of the medical attendance of masters and seamen suffering from Venereal Disease. (*Merchant Shipping Acts* (*Amendment*).)

41. An Act to amend the law relating to the election of town councillors in Scotland, and to make provision with regard to the powers of returning officers at elections of parish councillors in Glasgow. (*Town Councils* (*Scotland*).)

42. An Act to amend the Workmen's Compensation Act, 1906, and the Acts amending that Act, and to amend the law with respect to employers' liability insurance, the notification of accidents, first aid, and ambulance. (*Workmen's Compensation.*)

THE

PUBLIC GENERAL STATUTES.

[13 Geo. 5.]

CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and twenty-three, and one thousand nine hundred and twenty-four.

[29th March 1923.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 1,209,098*l.* out of the Consolidated Fund for the service of the year ending 31st March 1923.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland (which fund shall hereafter be styled and known as the Consolidated Fund of the United Kingdom) and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-three,

the sum of one million two hundred and nine thousand and ninety-eight pounds.

Issue of 171,183,700*l.* out of the Consolidated Fund for the service of the year ending 31st March 1924.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-four, the sum of one hundred and seventy-one million one hundred and eighty-three thousand and seven hundred pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one hundred and seventy-two million three hundred and ninety-two thousand seven hundred and ninety-eight pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-four, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1923.

CHAPTER 2.

An Act to amend the provisions of the Unemployment Insurance Acts, 1920 to 1922, relating to special periods, the period of benefit and the conditions for the receipt of benefit, to provide for continuing the existing rates of benefit and for making consequential alterations in the rates of contributions, and to enable benefit to be administered in the case of persons under the age of eighteen years through local education authorities, and otherwise to amend those Acts.

[29th March 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prolongation of fourth special period. 12 Geo. 5. c. 7.

1. The fourth special period defined in section three of the Unemployment Insurance Act, 1922 (in this Act referred to as "the Act of 1922"), shall be extended so as to terminate on the seventeenth day of October, nineteen hundred and twenty-three, instead of on the first day of July, nineteen hundred and twenty-three, and the provisions of the said Act relating to benefit within the fourth special period shall have effect subject to the following modifications:—

(1) The periods for which a person may be authorised to receive benefit shall be periods not exceeding in the aggregate forty-four weeks:

(2) When a person has received benefit in the fourth special period for periods amounting in the aggregate to twenty-two weeks, he shall cease to be qualified for the receipt of benefit in the fourth special period until the expiration of two weeks from the date (whether falling before or after the commencement of this Act) on which the last period in respect of which benefit was payable ended:

(3) Notwithstanding anything in any Act, no person shall, except by virtue of an authorisation given by the Minister under section four of the Act of 1922 as amended by this Act, receive benefit in the fourth special period for periods amounting in the aggregate to more than twenty-six weeks, and no person shall, whether by virtue of such an authorisation as aforesaid or otherwise, receive benefit in the fourth special period for periods amounting in the aggregate to more than forty-four weeks.

(4) Where a disabled person, as defined by subsection (1) of section nine of the Unemployment Insurance Act, 1921, is in the opinion of the Minister, by reason of his disability unable to undertake whole-time employment, the Minister may, notwithstanding the provisions of paragraph (*b*) of subsection (3) of section four of the Act of 1922, authorise that person to receive benefit.

11 Geo. 5. c. 1.

Conditions for receipt of benefit in year following fourth special period.

2. Subject to the provisions of this section, the Minister shall have the same power to authorise the receipt of benefit during the first benefit year as hereinafter in this Act defined, as he has to authorise the receipt of benefit during the fourth special period, and references in the Act of 1922 to the authorisation and receipt of benefit under that Act shall apply accordingly:

Provided that—

(1) The periods for which a person may be authorised by the Minister under section four of the Act of 1922 as applied by this section to receive benefit in the first benefit year shall be periods not exceeding in the aggregate twenty-six weeks, and, notwithstanding anything in any Act, no person shall, whether as being so authorised or otherwise, be entitled to receive benefit in the first benefit year for periods amounting in the aggregate to more than twenty-six weeks:

(2) Where benefit so authorised as aforesaid has been received by any person in the first benefit year for periods amounting in the aggregate to twelve weeks, that person shall cease to be

qualified for the receipt of benefit in that benefit year until the expiration of three weeks from the date on which the last period in respect of which benefit was payable ended.

Definition of "year" for the purpose of receipt of benefit. 10 & 11 Geo. 5. c. 30.

3.—(1) Paragraph 2 of the Second Schedule to the Unemployment Insurance Act, 1920 (in this Act referred to as "the principal Act"), which as amended by section four of the Unemployment Insurance Act, 1921, provides that no person shall within any insurance year receive benefit for a period of more than twenty-six weeks or such other period as may be prescribed, shall have effect as though a reference to a benefit year were substituted therein for the reference to an insurance year.

(2) Subject as hereinafter provided, the first benefit year shall be the year beginning on the eighteenth day of October, nineteen hundred and twenty-three, and ending on the fifteenth day of October, nineteen hundred and twenty-four, and every subsequent benefit year shall be a period beginning on the day following the expiration of the previous benefit year and ending on the Wednesday nearest to the sixteenth day of October in the next following calendar year:

Provided that the Minister may from time to time, if he thinks fit, by regulation direct that the benefit year shall begin or end on some date other than the date for which provision is made by this subsection, and so that any benefit year may be a greater or less period than twelve months, and for the purpose of meeting any change thereby effected in the benefit year, the Minister may with the consent of the Treasury make such corresponding variation as regards the number of weeks of benefit which may be received within any benefit year as appears to him to be proper.

Rates of benefit and rates of contribution.

4.—(1) Section one of the Act of 1922, which provides for an increase in the rate of benefit in respect of dependants, and which as originally enacted is to continue in operation so long only as the rates of contribution fixed by that Act remain in force, shall continue in force after the end of the deficiency period.

(2) Notwithstanding any enactment to the contrary, the rates of contribution in force at the commencement of this Act shall remain in force after the end of the deficiency period until such date as the Minister may by

order prescribe, but not being a date later than the first day of the insurance year commencing next after the end of the deficiency period, and after the date so prescribed the contributions payable by employed persons and their employers shall be at such reduced rates to be prescribed by regulations made by the Minister with the consent of the Treasury, but not in any case exceeding the rates set out in the First Schedule to this Act, as appear to him from time to time to be necessary for the purpose of providing for the payment of benefit at the rates in force at the date aforesaid, and the contribution to be made out of moneys provided by Parliament shall be at a rate equal to one-fourth of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or in the case of an exempt person paid by his employer, and subsections (3) and (7) of section five of the principal Act shall have effect accordingly.

(3) Nothing in this section shall affect the provisions of sections fifteen and sixteen of the principal Act, which provide respectively for securing the solvency of the unemployment fund and for a periodical revision of the rates of contribution.

Meaning of continuous period of unemployment.

5.—(1) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of less than three weeks shall be treated as one continuous period of unemployment, and the expression "continuously unemployed" shall be construed accordingly.

(2) The Minister may by regulations provide for the transition from the provisions of the Unemployment Insurance Acts, 1920 to 1922, to the provisions of this section, and prescribe that a period of consecutive days shall for the purposes of this section begin or end on such day as may be prescribed, and that such a period may be inclusive or exclusive of Sundays.

Arrangements with local education authorities for administra-

6.—(1) A local education authority for the purposes of higher education under the Education Act, 1921 (hereinafter referred to as "an education authority") shall as part of their powers under section one hundred and seven of that Act, have power to undertake, in accordance with a scheme to be approved by the Board

of Education and the Minister jointly, such additional duties, being duties in connection with the administration of benefit claimed by any persons under the age of eighteen years, as are specified in the scheme, and an education authority shall not after the thirty-first day of March, nineteen hundred and twenty-four, exercise their powers under the said section of giving assistance to persons under the age of eighteen with respect to the choice of suitable employment except where such a scheme is in force or otherwise than in accordance with the provisions of the scheme.

tion of benefit. 11 & 12 Geo. 5. c. 51.

(2) Where a scheme under this section is in force —

(*a*) there shall out of the unemployment fund be repaid to the education authority sums equal to the aggregate amount from time to time paid in benefit by the authority; and

(*b*) there shall from time to time be paid to the education authority in respect of administrative expenses such sums as may be determined in accordance with a scale fixed by the Minister with the consent of the Treasury, and those sums shall be treated as part of the expenses incurred by the Minister in carrying the principal Act into effect:

Provided that for the purposes of this section different scales may be fixed for different classes of education authorities and every such scale shall be fixed after consultation with such associations as may appear to the Minister to represent the interests of local education authorities and shall be such as will, so far as can be estimated, on an average produce sums sufficient to reimburse to the authorities undertaking additional duties under this section the amount by which their administrative expenses are increased by reasonable expenditure upon those duties and to compensate them in respect of interest.

(3) If a scheme under this section provides for the exercise by the council of a non-county borough or urban district of the powers of the education authority under this section, the scheme may also provide for the repayments and payments aforesaid being made direct to that council instead of to the education authority.

Amendment of Schedule II. (5) of principal Act.

7. The following shall be substituted for paragraph five of the Second Schedule to the principal Act:—

"5. A period of unemployment shall not be deemed to commence until the date on which the insured contributor makes application for unemployment benefit in the prescribed manner:

Provided that regulations may be made under this Act for allowing some earlier date to be substituted for the date of application in cases in which good cause is shown for delay in making application."

Provision as to insurance stamps.

8. The provisions of section thirty-three of the principal Act authorising the Postmaster-General to make regulations for applying, with the necessary adaptations, as respects unemployment insurance stamps, the provisions of certain enactments specified in the said section, shall have effect as though section nine of the Stamp Act, 1891, and any enactments amending that section were included among the enactments so specified.

54 & 55 Vict. c. 39.

Recovery of sums improperly received by way of benefit.

9.—(1) Where any person is liable to repay to the unemployment fund any sum received by him by way of benefit, that sum may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered, without prejudice to any other remedy, by means of deductions from any benefit to which that person thereafter becomes entitled.

(2) If a question arises whether any person is liable under the provisions of this section to have a deduction made from benefit due to him, that question shall be determined in the same manner as a claim for benefit.

Power to adapt special schemes to the provisions of this Act.

10. For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the person to whom the scheme applies as are payable under this Act, and that the benefits under the scheme shall otherwise be not less favourable than those provided by the general provisions of the Unemployment Insurance Acts, 1920 to 1922, (but for no other purposes), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme, and any such order

may provide for consequential amendments as to the rates of contributions and otherwise.

Saving, short title, and commencement.

11.—(1) Notwithstanding anything in any Act, it shall not be necessary for the Minister at any time before the beginning of the second benefit year to require any association to make for the purposes of proviso (*a*) to subsection (1) of section seventeen of the principal Act, any greater provision for unemployment benefit than would have been required to be made for those purposes under that Act as originally enacted.

(2) This Act does not apply to Northern Ireland.

(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(4) This Act may be cited as the Unemployment Insurance Act, 1923, and shall be construed as one with the Unemployment Insurance Acts, 1920 to 1922, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1923, and any reference in this Act to the Unemployment Insurance Acts, 1920 to 1922, or to any of those Acts, or to any provision of any of those Acts, shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act.

(5) This Act shall, except as therein otherwise expressly provided, come into operation on the twelfth day of April, nineteen hundred and twenty-three.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

Maximum Rates of Contribution.

Ordinary Rates.

From the employed person in each week—	
In the case of men - - - - - -	6*d*.
„ „ women - - - - - -	4*d*.
From the employer for each week—	
In the case of employed persons being men -	6*d*.
„ „ „ „ „ women	5*d*.

RATES IN CASE OF PERSONS UNDER 18.

From the employed person in each week—
In the case of boys - - - - - - 3*d.*
„ „ girls - - - - - - 2*d.*
From the employer for each week—
In the case of employed persons being boys - 3*d.*
„ „ „ „ „ girls - $2\frac{1}{2}d.$

Section 11

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 30	The Unemployment Insurance Act, 1920.	Paragraph (*b*) of subsection (2) of section seven.
11 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	Section two so far as unrepealed.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	Section two.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act, 1922.	Subsection (4) of section one; paragraph (*b*) of subsection (1) and subsection (5) of section four; in paragraph (*a*) of subsection (1) of section six the words from "or where the benefit" to "within the fourth special period," and, as from the end of the fourth special period, subsection (2) of that section.
12 & 13 Geo. 5. c. 30.	The Unemployment Insurance (No. 2) Act, 1922.	The whole Act.

CHAPTER 3.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [26th April 1923.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and seventy thousand eight hundred, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-three thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act: 7 & 8 Geo. 5. c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-three on the following days:—

(*a*) in Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1923.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-three, to the thirtieth day of April, one thousand nine hundred and twenty-four, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-three, to the thirty-first day of July, one thousand nine hundred and twenty-four, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

Part I.—Amendments of Army Act.

Amendment of s. 57.

4. The following amendments shall be made in subsection (2) of section fifty-seven of the Army Act (which relates to the commutation and remission of sentences):—

(1) In paragraph (*a*) the words "offenders in whatever place they may for the time being be" shall be substituted for the words "persons undergoing sentence in any place whatever," and the word "offender" shall be substituted for the words "prisoner subject to such punishment".

(2) In paragraphs (*b*), (*c*), and (*d*) the words "offenders who are for the time being" shall be substituted for the words "persons undergoing sentences".

Amendment of ss. 76 and 82.

5.—(1) In section seventy-six of the Army Act (which prescribes the limit of original enlistment), the words "or classes of cases" shall be inserted after the word "cases"; the words "a boy" shall be substituted for the words "any boy"; and the words "in a particular corps" shall be omitted.

(2) At the end of subsection (2) of section eighty-two of the Army Act (which relates to appointments to corps) the following proviso shall be inserted:

"Provided that in the case of a boy enlisted for general service before attaining the age of eighteen, he need not be appointed to a particular corps until he attains that age."

Amendment of s. 122.

6. The following words shall be added at the end of subsection (6) of section one hundred and twenty-two of the Army Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts martial):

"it also includes, in the case of a body of His Majesty's military forces when serving beyond the seas, the officer not below the rank of field officer or corresponding rank commanding that body or the command within which they are serving, whether such officer is an officer of the navy, army, or air force."

Amendment of s. 179.

7. The following paragraph shall be inserted after paragraph (19) of section one hundred and seventy-nine of the Army Act (which contains the modifications of that Act with respect to the Royal Marines):

"(19A.) For the purposes of the attestation of men of the Royal Marines the expression 'officer' in section ninety-four of this Act includes an officer of the Royal Navy."

PART II.

AMENDMENTS OF AIR FORCE ACT.

Renumbering of s. 46A.

8. Section 46A. of the Air Force Act shall hereafter be numbered 47.

Amendment of s. 57.

9. In subsection (2) of section fifty-seven of the Air Force Act (which relates to the commutation and remission of sentences) the words "offenders in whatever place they may for the time being be" shall be substituted for the words "persons undergoing sentence in any place whatever."

Amendment of s. 89.

10. The following paragraph shall be inserted at the end of section eighty-nine of the Air Force Act (which

provides for the transfer of airmen to the reserve in certain cases)—

> "Where an airman of the regular air force was, before attaining the age of eighteen, enlisted for the whole term of his original enlistment in air-force service, the Air Council may, within six years after he attained that age, give him notice that he may be transferred to the reserve when he is within two years of the end of the period of his air-force service in the terms of his original enlistment, and when such a notice has been given the competent air-force authority may at any time within the said two years by order transfer him to the reserve in manner aforesaid."

Amendment of s. 122.

11. In subsection (6) of section one hundred and twenty-two of the Air Force Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts martial), for the words "on active service, "the officer commanding in chief in the field," there shall be substituted the words "when serving beyond "the seas, the officer not below the rank of squadron "leader or corresponding rank commanding that body "or the command within which they are serving."

PART III.

AMENDMENTS OF ARMY ACT APPLICABLE ALSO TO THE AIR FORCE ACT.

Amendment of s. 44.

12. In proviso (5) to section forty-four of the Army Act (which prescribes the scale of punishment by courts martial) after the word "flogging" there shall be inserted the words "or attachment to a fixed object."

Amendments of ss. 46, 47, 138, and 182 with reference to warrant officers.

13.—(1) In subsection (1) of section forty-six of the Army Act (which relates to the power of a commanding officer) after the words "field officer" there shall be inserted the words "or of a warrant officer."

(2) The following amendments shall be made in section forty-seven of the Army Act (which relates to the power to deal summarily with charges against officers):—

(*a*) In subsection (1) after the words "field officer" there shall be inserted the words "or against a warrant officer."

(*b*) In subsection (2) after the word "awarding" there shall be inserted the words "in the case of an officer"; and after the words "or reprimand" there shall be inserted :—

"and in the case of a warrant officer one or more of the following punishments—

"(*a*) Forfeiture in the prescribed manner of seniority of rank;

"(*b*) Severe reprimand or reprimand;

"(*c*) Any deduction authorised by this Act to be made from his ordinary pay."

(*c*) In subsection (3) for the words "officer charged" and "officer" there shall be substituted the word "accused."

(*d*) In subsection (4) for the words "accused officer" there shall be substituted the word "accused."

(3) After the words "such offence" in subsection (3), and after the words "his commanding officer" in subsection (4) of section one hundred and thirty-eight of the Army Act (which relates to penal stoppages from the ordinary pay of soldiers), there shall be inserted the words "or by the authority dealing summarily with a charge under section forty-seven of this Act."

(4) The following paragraph shall be added at the end of subsection (2) of section one hundred and eighty-two of the Army Act (which contains special provisions as to warrant officers) :—

"or

"(*c*) to the punishments prescribed in that behalf under section forty-seven of this Act by the authorities referred to in that section."

Amendment of s. 145.

14.—(1) The following amendment shall be made in subsection (2) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children) :—After the words "in respect of a wife or children" wherever they occur there shall be inserted the words "whether legitimate or illegitimate" and the words "in respect of a bastard child, three shillings" "in respect of a bastard child, two shillings" and "and in respect of a bastard child, one shilling and sixpence" shall be omitted.

(2) For the first paragraph of subsection (3) of the said section there shall be substituted the following paragraph :—

"Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, then—

(*a*) if at the date of service of the process the soldier is quartered out of the jurisdiction of the court, or, (where the proceeding is before a court of summary jurisdiction), out of the petty sessional division in which the proceeding is instituted, the process shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if any order or decree is made against the soldier) of a sufficient amount to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose ;

(*b*) in any other case the process may be served either on the commanding officer or on the soldier, provided that where the process is served on the soldier, a copy thereof shall be sent by the court by which it is issued to the commanding officer by registered post as soon as possible after the process is served, and in any case at least four days before the day fixed for the hearing of the case :

"Provided that no proceedings in this section mentioned shall be valid against a soldier of the regular forces if his commanding officer certifies that the soldier is under orders for service beyond the seas, and that in his opinion it will not be possible for the soldier to attend the hearing and return to his quarters in sufficient time to enable him to embark for such service. Every such certificate shall be sent to the court and shall be final and conclusive."

Application of Act in relation to mandated territories.

15. After section one hundred and eighty-seven of the Army Act the following section shall be inserted—

"187A. This Act shall apply in relation to any territory in respect of which a mandate on behalf

of the League of Nations has been accepted by His Majesty in like manner as it applies in relation to a British protectorate."

Application to Air Force.

16. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the air force, have effect subject to any of the general modifications set out in Part I. of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and also with the substitution of a reference to "squadron leader" for the reference to "field officer."

Section 3.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army and Air Force Acts.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Stable room without forage - - -	Sixpence per day.
Lodging and attendance for officer -	Three shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 4.

An Act to provide for the increase of certain fees and the imposition of certain new fees in respect of various services, and for purposes connected therewith. [26th April 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Increase of certain fees under Merchant Shipping Acts. 57 & 58 Vict. c. 60. 61 & 62 Vict. c. 44.

1.—(1) The provisions of the Merchant Shipping Act, 1894, and of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, specified in the first column of Part I. of the First Schedule to this Act so far as they limit the amount of fees chargeable under those Acts or grant exemptions from any such fees, shall have effect subject to the amendments mentioned in the third column of that Part of the Schedule :

Provided that no fees shall be payable under section three of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, in respect of vessels not exceeding ten tons gross register employed solely in fishing.

(2) For the Schedules of the said Acts mentioned in Part II. of the First Schedule to this Act there shall be substituted the Schedules by that Part directed to be substituted therefor.

Charge of new fees for certain services under the Merchant Shipping Acts.

2.—(1) Where—

(*a*) under section nineteen of the Merchant Shipping Act, 1894, a Registrar of Shipping endorses and signs on the certificate of registry of a ship a memorandum of the change of the master; or

(*b*) a certificate of service is granted in pursuance of section ninety-nine of the Merchant Shipping Act, 1894; or

(*c*) an indenture of apprenticeship to the sea service is recorded by a Superintendent or by the Registrar-General of Shipping and Seamen;

there shall be payable such fees as the Board of Trade may determine not exceeding those specified in Part I. of the Second Schedule to this Act.

(2) There shall be payable upon all engagements and discharges of seamen effected in the presence of a superintendent under section one hundred and fifteen, subsection (2) of section one hundred and sixteen, and section one hundred and twenty-seven of the Merchant Shipping Act, 1894, such fees as may be fixed by the Board of Trade not exceeding those specified in Part II. of the Second Schedule to this Act, and the superintendent may refuse to proceed with any engagement or discharge unless the fees payable have been first paid by the master or owner of the ship.

(3) On the inspection of a ship—

(*a*) under section four hundred and thirty-one of the Merchant Shipping Act, 1894, either during the construction of the ship or otherwise, for the purpose of seeing that the ship is properly provided, in accordance with the provisions of the Merchant Shipping Acts, 1894 to 1921, or any rules made thereunder, with life-saving appliances; or

9 & 10 Geo. 5. c. 38.

(*b*) under section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919, for the purpose of seeing that the ship is properly provided, in accordance with the rules made under that Act, with a wireless telegraph installation and certified operators and watchers;

there shall be paid in respect of the inspection such fees as the Board of Trade may determine, not exceeding those specified in Part III. of the Second Schedule to this Act.

(4) Where under section two hundred and six of the Merchant Shipping Act, 1894, or section twenty-six of the Merchant Shipping Act, 1906, any provisions are inspected either before shipment or on board a ship, there shall be payable in respect of such inspection such fees as the Board of Trade may determine not exceeding those specified in Part IV. of the Second Schedule to this Act; but it shall not be obligatory that such an inspection should be made, and accordingly in subsection (1) of the first mentioned section for the words " shall be

6 Edw. 7. c. 48.

inspected" there shall be substituted the words "may be inspected," and for the words "shall certify" there shall be substituted the words "may certify"; and subsection (3) of the same section shall be repealed:

Provided that, where provisions which have been inspected and sealed by an inspecting officer are found on board any ship within such time as may be prescribed by the Board of Trade as the time for which the seals are to hold good, no fee shall be charged for the verification of the seals.

Limitation on fees to be fixed under Merchant Shipping Acts.

3. The amount of the fees to be charged under the Merchant Shipping Acts, 1894 to 1921, as amended by this Act shall be so fixed that the amount estimated by the Board of Trade to be produced thereby in any year shall not exceed one-half of the amount certified by the Board of Trade to be the aggregate estimated cost in that year of the administration of the services in respect of which the fees are payable.

Fees under 42 & 43 Vict c. 47, s. 3.

4. Twenty shillings shall be substituted for five shillings as the maximum fee payable under section three of the Petroleum Act, 1879, on the verification of apparatus for testing petroleum.

Fees in respect of registration of business names. 6 & 7 Geo. 5. c. 58.

5.—(1) There shall be payable for any search of the index kept under section twelve of the Registration of Business Names Act, 1916, such fee as may be prescribed not exceeding one shilling for each name in respect of which a search is made, and the search fee hereby authorised shall be payable in addition to any fee chargeable under section sixteen of that Act for the inspection of documents.

(2) Section sixteen of the said Act (which prescribes, amongst other things, the maximum fees payable for certificates of registration and certified copies of, or extracts from, registered statements) shall have effect as though for the words "sixpence for each folio of "seventy-two words, or in Scotland for each sheet of "two hundred words, of the entry, copy, or extract," there were substituted the words "one shilling for any other entry, copy, or extract."

(3) One pound shall be substituted for five shillings as the maximum fee payable under section seventeen of the said Act in respect of the registration of any one statement.

Fees under the Weights and Measures Acts.

6. The Board of Trade shall be entitled to charge on the comparison and verification of local standards and other standards for the use of local authorities or their officers such fees as they may fix with the approval of the Treasury and after consultation with such associations of local authorities as appear to them to be concerned.

Fees for licences to remove bodies after burial. 20 & 21 Vict. c. 81.

7.—(1) Where a Secretary of State issues a licence under section twenty-five of the Burial Act, 1857, for the removal of any body, or the remains of any body, which has been interred in any place of burial, there shall be payable in respect of the licence such fee, not exceeding two pounds, as the Secretary of State, with the consent of the Treasury, may prescribe.

(2) Where in connexion with the removal of any such body or remains, any officer of any local authority, with the consent of the authority and in pursuance of any conditions attached to the licence by the Secretary of State, performs any duties, it shall be lawful for the Secretary of State to pay to the local authority any part of the fee received by him in connexion with such removal.

Power to fix fees for matters done by officers of Foreign Office in Great Britain. 54 & 55 Vict. c. 36.

8.—(1) Where the fees to be charged in respect of any matter or thing done by a consular officer have been fixed by Order in Council under section two of the Consular Salaries and Fees Act, 1891, His Majesty may by Order in Council direct that fees of like amount shall be charged in respect of any similar matter or thing done by a public officer in Great Britain acting under the authority of a Secretary of State.

(2) All such fees shall be levied, accounted for and applied in accordance with regulations to be made by a Secretary of State, with the approval of the Treasury.

Fees for holding inquiries.

9. Where under any Act of Parliament a government department is authorised or required to hold an inquiry, and the costs of the inquiry are made payable by any local authority or other person, or in such manner and by such persons as the department or the officer holding the inquiry may direct, then, notwithstanding anything in such Act, such costs may include a fee in respect of the services of any officer of the department engaged in the inquiry not exceeding five guineas a day.

10. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. Repeals.

11.—(1) This Act may be cited as the Fees (Increase) Act, 1923. Short title, construction and extent.

(2) This Act, so far as it amends the Merchant Shipping Acts, 1894 to 1921, shall be construed as one with those Acts, and those Acts and this Act so far as it amends those Acts may be cited together as the Merchant Shipping Acts, 1894 to 1923.

(3) This Act, so far as it relates to matters with respect to which the Parliament of Northern Ireland has not power to make laws, shall extend to Northern Ireland.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

PART I.

AMENDMENTS OF PROVISIONS OF MERCHANT SHIPPING ACTS RELATING TO FEES.

Enactment amended.	Services in respect of which Fees chargeable.	Amendments.
Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60) :—		
S. 64 (1)	Inspection of register book.	For the words " not exceeding one shilling " there shall be substituted the words " not exceeding two shillings."
S. 77 (2)	Remeasurement under Rule I. of ships previously measured under Rule II.	For the words " not exceeding seven shillings and sixpence for each transverse section " there shall be substituted the words " not exceeding that specified in the Third Schedule to this Act."
S. 126 (2)	Granting of Certificate of Service for A.B. rating.	For the words " not exceeding sixpence " there shall be substituted the words " not exceeding one shilling."

Enactment amended.	Services in respect of which Fees chargeable.	Amendments.
S. 306 (2) -	Medical inspection of steerage passengers.	For the words "not exceeding twenty shillings for every hundred persons" there shall be substituted the words "not exceeding three pounds for the first hundred persons or fraction of a hundred persons inspected, and one pound for each additional hundred persons."
S. 695 (2) -	Supply of copies of certified documents.	For the words "not exceeding fourpence" there shall be substituted the words "not exceeding one shilling," and for the words "on the payment of one shilling" there shall be substituted the words "on the payment of five shillings."
Sixth Schedule: Paras. (6) & (7).	Inspection of accommodation of crew.	For the words "shall not exceed ten shillings" there shall be substituted the words "shall not exceed twenty shillings," and for the words "shall not exceed one pound" there shall be substituted the words "shall not exceed four pounds."
Sixteenth Schedule	Inspection of lights and fog signals.	For the figures "£0 10*s*. 0*d*." there shall be substituted the figures "£1 0*s*. 0*d*.," and for the words "shall not exceed one pound" there shall be substituted the words "shall not exceed four pounds."
Merchant Shipping (Mercantile Marine Fund) Act, 1898 (61 & 62 Vict. c. 44):— S. 3 - -	Registration transfer and mortgage of ships.	For the words "solely employed in fishing or sailing ships of under one hundred tons" there shall be substituted the words "not exceeding ten tons gross register employed solely in fishing."

Part II.

Schedules to be Substituted for Schedules prescribing Fees under the Merchant Shipping Acts.

For the Third Schedule to the Merchant Shipping Act, 1894, the following Schedule shall be substituted :—

THIRD SCHEDULE.

Table of Maximum Fees to be Paid for the Measurement of Merchant Ships.

	£	*s.*	*d.*
Vessels of 50 tons gross and under	2	0	0
Vessels of over 50 tons gross and under 100 tons	4	0	0
For each additional 100 tons or part of 100 tons above 100 up to 1,000	2	0	0
For each additional 100 tons or part of 100 tons above 1,000 up to 10,000	1	0	0
For each additional 100 tons or part of 100 tons above 10,000	0	10	0

NINTH SCHEDULE.

Part I.

Maximum Fees to be Paid for Passenger Steamer's Certificate.

	£	*s.*	*d.*
For a steamer not exceeding 50 ton gross	4	0	0
For a steamer exceeding 50 and not exceeding 100 tons gross	8	0	0
For a steamer exceeding 100 and not exceeding 300 tons gross	12	0	0
For a steamer exceeding 300 and not exceeding 600 tons gross	15	0	0
And for every additional 300 tons or part of 300 tons above 600 an additional	3	0	0

Part II.

Maximum Fees to be Paid for Survey of Emigrant Ships.

	£	*s.*	*d.*
(*a*) For ships holding valid passenger certificates :			
For an ordinary survey of the ship and of her equipment, stores, &c.	12	0	0
For a special survey	20	0	0
(*b*) For ships not holding valid passenger certificates an additional fee not exceeding that specified in the scale in Part I. of this Schedule			

For the First Schedule to the Merchant Shipping (Mercantile Marine Fund) Act, 1898, the following Schedule shall be substituted :—

FIRST SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID ON THE REGISTRATION, TRANSFER AND MORTGAGE OF SHIPS.

1. *Registration.*

	£	*s.*	*d.*
1. On initial Registry :—			
Vessels not exceeding 25 tons gross - -	2	0	0
Vessels exceeding 25 and not exceeding 50 tons gross - - - - - -	2	10	0
Vessels exceeding 50 and not exceeding 100 tons gross - - - - -	3	0	0
Vessels exceeding 100 and not exceeding 200 tons gross - - - - -	4	0	0

With £1 for every additional 100 tons or fraction of a 100.

2. *Transfer and Mortgage.*

	£	*s.*	*d.*
2. On transfer, transmission, registry anew, transfer of registry, mortgage, and transfer of mortgage :			
According to the gross tonnage represented by the ships or shares of ships transferred, &c. (*e.g.*, the transfer of a 1/64 share in a ship of 6,400 tons to be reckoned as the transfer of 100 tons) :			
Not exceeding 10 tons - - - - -	0	5	0
10 tons and not exceeding 20 tons - -	0	10	0
20 „ „ „ 30 „ - -	0	15	0
30 „ „ „ 40 „ - -	1	0	0
40 „ „ „ 50 „ - -	1	5	0
50 „ „ „ 75 „ - -	1	10	0
75 „ „ „ 100 „ - -	1	15	0
100 „ „ „ 125 „ - -	2	0	0
and a further fee of 5*s.* for every additional 50 tons, or part of 50 tons, up to 500 tons, after which for every 100 tons, or part of 100 tons -	0	5	0

SECOND SCHEDULE.

Section 2.

NEW MAXIMUM FEES.

PART I.

Certificates and Records.

	£	s.	d.
For endorsing and signing on the certificate of registry of a ship a memorandum of the change of the master	0	10	0
For a certificate of service granted in pursuance of section 99 of the Merchant Shipping Act, 1894	1	0	0
For recording an indenture of apprenticeship to the sea service	0	2	6

PART II.

Engagement and Discharge of Seamen.

For every seaman engaged before a superintendent	0	1	6
For every seaman discharged before a superintendent	0	1	6

PART III.

Inspection of Life-saving Appliances and Wireless Telegraphy Equipment.

For inspection of life-saving appliances on a vessel on or before first registry or re-registry — 2*l.* for each lifeboat.

For subsequent inspection at the request of the master or owner or in the case of a vessel found to have defective or deficient life-saving appliances — 1*l.* per visit with a maximum of 4*l.*

For inspection of a vessel which is found to be not properly provided with wireless telegraphy installation or with certified wireless operators and watchers — 1*l.* per visit with a maximum of 4*l.*

PART IV.

Inspection of Provisions.

The following percentage of the market value of the provisions inspected :—

If the provisions are inspected in bulk at a warehouse — 2 per cent

If the provisions are inspected on a ship or alongside a ship — 4 per cent.

Section 10.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 49	The Weights and Measures Act, 1878.	In section thirty-seven the words "nor shall any fee be payable on the verification or re-verification of any local standard."
52 & 53 Vict. c. 21	The Weights and Measures Act, 1889.	In section eight the words "not being standards for the use of a local authority or their officers and".
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894.	Subsection (3) of section two hundred and six. The Third Schedule. The Ninth Schedule.
61 & 62 Vict. c. 44	The Merchant Shipping (Mercantile Marine Fund) Act, 1898.	The First Schedule.

CHAPTER 5.

An Act to amend the Dangerous Drugs Act, 1920, and section seventeen of the Pharmacy Act, 1868, and to prescribe the method of calculating percentages in liquid preparations for the purpose of the Poisons and Pharmacy Act, 1908, and the Dangerous Drugs Act, 1920.

[17th May 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 10 of Dangerous Drugs Act, 1920. 10 & 11 Geo. 5. c. 46.

1.—(1) The following subsection shall be inserted in section ten of the Dangerous Drugs Act, 1920, after subsection (1) thereof:—

"(1A) If a justice of the peace (or in Scotland either a justice of the peace or a sheriff) is

satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Act applies are, in contravention of the provisions of this Act or any regulations made thereunder, in the possession or under the control of any person in any premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be, an offence against this Act, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Great Britain, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises, he may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein, and, if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document, as the case may be."

(2) The words "any books or documents" shall be substituted for the words "any books" in subsection (1) of the said section ten, and the words, "any such books, stocks, drugs, or documents" shall be substituted for the words "any such books or stocks" in subsection (2) of that section.

Amendment of s. 13 of Dangerous Drugs Act, 1920.

2.—(1) The following subsections shall be substituted for subsections (1) and (2) of section thirteen of the Dangerous Drugs Act, 1920:—

"(1) Any person—

(*a*) who acts in contravention of, or fails to comply with, any regulation made under this Act; or

(*b*) who acts in contravention of, or fails to comply with, the conditions of any licence issued or authority granted under or in pursuance of this Act; or

(*c*) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or

(*d*) who in Great Britain aids, abets, counsels or procures the commission in any place outside Great Britain of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in Great Britain would constitute an offence against this Act;

shall be guilty of an offence against this Act."

"(2) Every person guilty of an offence against this Act shall, in respect of each offence, be liable—

(*a*) on conviction on indictment, to a fine not exceeding one thousand pounds, or to penal servitude for a period not exceeding ten years, or to both such fine and penal servitude; or

(*b*) on summary conviction, to a fine not exceeding two hundred and fifty pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment;

and shall, in every case on conviction for the offence, forfeit to His Majesty all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit."

"One half of the amount of any fine imposed by a court of summary jurisdiction in pursuance of this section in proceedings taken by the direction of a Secretary of State or by, or by the direction of, the Director of Public Prosecutions shall, notwithstanding anything in any other enactment, be paid into the Exchequer in such manner as the Treasury may from time to time direct."

"(2A) Subject as hereinafter provided, no person shall in England or Wales be proceeded against by indictment for an offence under this Act unless the proceedings are instituted by, or with the consent of, the Attorney-General or by the Director of Public Prosecutions, and no person shall, on conviction for any offence of contravening or failing to comply with any regulation under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against the Act:

Provided that the provisions of this subsection prohibiting proceedings by indictment unless the proceedings are instituted by, or with the consent of, the Attorney-General or by the Director of Public Prosecutions, shall not apply where the person charged claims in pursuance of section seventeen of the Summary Jurisdiction Act, 1879, to be tried by a jury. 42 & 43 Vict. c. 49.

"(2B) If any person attempts to commit an offence against this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on summary conviction to the same punishment and forfeiture as if he had committed an offence under this Act."

"(2C) Where a person convicted of an offence under this Act is a company, the chairman and

every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent."

(2) The provisions of subsection (3) of section thirteen of the Dangerous Drugs Act, 1920, which relates to the time within which proceedings for an offence against that Act may be brought, shall apply to proceedings for attempting or soliciting or inciting another person to commit such an offence as they apply to proceedings for such an offence.

(3) For the purpose of removing doubts, it is hereby declared—

(*a*) that in any proceedings against any person for an offence against the Dangerous Drugs Act, 1920, as amended by this Act, it is not necessary to negative by evidence any licence, authority or other matter of exception or defence, and that the burden of proving any such matter lies on the person seeking to avail himself thereof; and

4 & 5 Geo. 5. c. 58.

(*b*) that, notwithstanding anything in section eighteen of the Criminal Justice Administration Act, 1914, or in any other enactment, any term of imprisonment imposed under section thirteen of the Dangerous Drugs Act, 1920, on any person by a court of summary jurisdiction in respect of the non-payment of a fine for an offence against that Act may be ordered to commence at the expiration of any term of imprisonment imposed on that person for the same offence in addition to the fine.

Amendment of s. 17 of Pharmacy Act, 1868, as respects sales to medical practitioners, dentists and

3.—(1) So much of section seventeen of the Pharmacy Act, 1868 (which prescribes certain regulations to be observed in the sale of poisons), as requires an entry in the book to be kept under that section to be signed by the purchaser, shall not, if the conditions mentioned in this section are fulfilled, apply where the purchaser is a registered medical practitioner, and the purchase is made by him for the purposes of his profession.

(2) The conditions to be fulfilled for the purposes of this section are as follows :—

veterinary surgeons. 31 & 32 Vict. c. 121.

(*a*) There must have been received by the seller before the sale an order in writing signed by the purchaser stating his name and address and the name and quantity of the article to be purchased :

(*b*) The seller must be reasonably satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a registered medical practitioner :

(*c*) The article sold, if sent by post to the purchaser, must be sent by registered post :

(*d*) The seller must enter in the book, in the column assigned to the signatures of purchasers, the words "signed order" followed by the date on which the order is executed, and must preserve the order for a period of two years from the date on which the final entry in the book is made :

Provided that, if a seller is reasonably satisfied that a registered medical practitioner desiring to purchase a poison urgently requires it for the purpose of his profession, but is, by reason of some emergency, unable, before delivery, either to furnish to the seller an order in writing duly signed, or to attend and sign the book, the seller may send the poison to the purchaser to be handed over to him either in exchange for such an order or on an undertaking by the purchaser to furnish such an order to the seller within the twenty-four hours next following.

If any purchaser by whom any such undertaking as aforesaid has been given fails to deliver to the seller a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have procured the commission of an offence under the said section seventeen.

(3) This section applies to registered dentists and registered veterinary surgeons as it applies to registered medical practitioners.

Amendment of s. 17 of Pharmacy Act, 1868, with respect to sales of poisons on medical prescriptions, &c.

4.—(1) Where any poison to which section seventeen of the Pharmacy Act, 1868, applies is supplied on and in accordance with a written prescription given by a registered medical practitioner under and in accordance with the provisions of the Acts relating to national health insurance, the seller of the poison shall not be required to make any entry in the book in accordance with the requirements of the said section.

(2) The said section seventeen shall have effect as if for the words "labelled with the name of the article and "the word poison, and with the name and address of the "seller of the poison," there were substituted the words "labelled with the name and address of the seller of the "poison, with the word 'poison,' and with the name of "the poison, and, in the case of a preparation which "contains a poison as one of the ingredients thereof, with "such particulars as to the proportion which the poison "contained in the preparation bears to the other ingredients as may be prescribed by Order in Council."

Calculation of percentages in case of liquid preparations. 8 Edw. 7. c. 55.

5. For the purposes of the Schedule to the Poisons and Pharmacy Act, 1908, and of section eight of the Dangerous Drugs Act, 1920, percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations under those Acts respectively, be calculated on the basis that a preparation containing one per cent. of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

Short title, interpretation and extent.

6.—(1) This Act may be cited as the Dangerous Drugs and Poisons (Amendment) Act, 1923, and the Dangerous Drugs Act, 1920, and this Act, in so far as it amends that Act, may be cited together as the Dangerous Drugs Acts, 1920 and 1923.

(2) The expression "corresponding law" in the Dangerous Drugs Act, 1920, as amended by this Act, means any law stated in a certificate purporting to be issued by or on behalf of the government of any country outside Great Britain to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of the International Opium Convention signed

at the Hague on the twenty-third day of January, nineteen hundred and twelve, and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

(3) This Act shall not extend to Northern Ireland, except in so far as it amends the Dangerous Drugs Act, 1920, in relation to matters with respect to which the Parliament of Northern Ireland have not power to make laws.

CHAPTER 6.

An Act to extend the duration of and amend certain provisions of the Local Authorities (Financial Provisions) Act, 1921, and the Poor Law Emergency Provisions (Scotland) Act, 1921. [17th May 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Continuance, subject to amendment of 11 & 12 Geo. 5. c. 67. s. 1.

1. Section one of the Local Authorities (Financial Provisions) Act, 1921 (which provides for the temporary extension of charges on the Metropolitan Common Poor Fund), shall continue in force until the first day of April, nineteen hundred and twenty-four, as if in that section for the words "thirty-first day of December, nineteen hundred "and twenty-two," there were substituted the words "first day of April, nineteen hundred and twenty-four," subject as respects the half year current on the said thirty-first day of December and any subsequent half year ending before the said first day of April to the following modifications :—

(*a*) The Metropolitan Poor Amendment Act, 1870, as amended by subsection (1) of the said section one shall have effect as if a farm colony the persons in which are maintained by boards of guardians were an asylum provided under the Metropolitan Poor Act, 1867. 33 & 34 Vict. c. 18. 30 & 31 Vict. c. 6.

(*b*) For subsection (2) of the said section one the following subsection shall be substituted:

"(2) There shall be included amongst the expenses to be repaid out of the Metropolitan Common Poor Fund the expenses (other than administrative expenses) incurred in respect of outdoor relief to an amount not exceeding ninepence for each person in respect of whom outdoor relief is granted for each day for which such relief is granted in respect of him."

Extension of periods mentioned in 11 & 12 Geo. 5. c. 67, ss. 3 (3) and 6.

2. The following provisions of the Local Authorities (Financial Provisions) Act, 1921, shall have effect and shall be deemed always to have had effect as if for the references therein to the first day of April, nineteen hundred and twenty-three, there were substituted references to the first day of April, nineteen hundred and twenty-four; that is to say:—

(*a*) the proviso to subsection (3) of section three thereof (which enables the Minister of Health in certain circumstances to extend the time within which sums borrowed under that section are to be repaid if borrowed before the first day of April first mentioned);

(*b*) Subsection (1) of section six thereof (which provides that money borrowed by a local authority before the first-mentioned first day of April for certain purposes is not to be reckoned as part of the debt of the local authority for the purposes of any enactment limiting the powers of borrowing by that authority);

(*c*) Subsection (2) of section six thereof (which suspends until the first mentioned first day of April the operation of subsection (3) of section two hundred and thirty-four of the Public Health Act, 1875).

38 & 39 Vict. c. 55.

Continuance, subject to amendment of 11 & 12 Geo. 5. c. 64.

3. The Poor Law Emergency Provisions (Scotland) Act, 1921, shall continue in force until the fifteenth day of May, nineteen hundred and twenty-four, as if in subsection (4) of section three of that Act for the words "until the fifteenth day of May, nineteen hundred and "twenty-two, or until such later date or dates (if any) "not being more than one year thereafter as the Board "may fix, and the Board may fix different dates for

" different provisions of this Act " there were substituted the words " until the fifteenth day of May, nineteen " hundred and twenty-four," subject, however, to the following modifications:

(*a*) A parish council may make arrangements with any local authority whereby any destitute able-bodied person out of employment and applying for relief may be employed by the local authority on any work of public utility instituted for the relief of distress due to unemployment, and, where the arrangements so provide, the council may contribute towards the expenditure incurred by the local authority on such work such sum as the council may determine, not exceeding the sum which but for the employment would have been paid to the person so employed by way of relief under section one of the said Act, and the provisions of the said section shall apply to any payment so made as if it were relief given thereunder. The provisions of this paragraph shall, with the necessary modifications, apply in the case where a parish council itself institutes any work of public utility for the relief of distress due to unemployment in like manner as it applies in the case where arrangements are made with another local authority. Provided that no such contribution shall be made by a parish council to the expenditure incurred by a local authority on any work of public utility as aforesaid, unless such work is carried out by the local authority by means of labour employed directly by the authority. For the purpose of this paragraph, " local authority " means any body to whom the Local Taxation Returns (Scotland) Act, 1881, applies; and 44 & 45 Vict. c. 6.

(*b*) Subsection (1) of section two of the said Act (which relates to the borrowing powers of parish councils in connection with relief to destitute able-bodied persons out of employment) shall have effect as if " ten years " and " fifteen years " were therein substituted for " five years " and " ten years " respectively; and

(*c*) Subsection (2) of section one of the said Act shall be read and have effect as if the words "provided that the application for, or receipt of "relief by, any destitute able-bodied person "under the provisions of this Act shall not "affect the acquisition or retention of a settlement by such person" were omitted.

Short title and extent.

4. This Act may be cited as the Local Authorities (Emergency Provisions) Act, 1923, and shall not apply to Northern Ireland.

CHAPTER 7.

An Act to continue the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and any enactment amending that Act, until the thirty-first day of July, nineteen hundred and twenty-three. [17th May 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of 10 & 11 Geo. 5. c. 17.

1. The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and any enactment amending that Act, shall continue in force until the thirty-first day of July, nineteen hundred and twenty-three.

Short title and extent.

2. This Act may be cited as the Increase of Rent and Mortgage Interest Restrictions (Continuance) Act, 1923, and does not extend to Northern Ireland.

CHAPTER 8.

An Act to consolidate and amend the law relating to Industrial Assurance, and to make provision with respect to war bond policies and policies to which the Courts (Emergency Powers) Act, 1914, applies, and bond investment business.

[7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Industrial Assurance Business.

Industrial assurance business. 9 Edw. 7. c. 49.

1.—(1) Industrial assurance business shall not be carried on except by a registered friendly society or by an assurance company within the meaning of the Assurance Companies Act, 1909, which is either registered under the Companies Acts, or the Industrial and Provident Societies Acts, 1893 to 1913, or incorporated by special Act, and a registered friendly society which carries on such business is in this Act referred to as a collecting society and an assurance company which carries on such business is in this Act referred to as an industrial assurance company:

Provided that, where an industrial assurance company carries on both industrial assurance business and other business, nothing in this Act shall, save as otherwise expressly provided, apply to any of the business of the company other than the industrial assurance business.

(2) For the purposes of this Act, "industrial assurance business" means the business of effecting assurances upon human life premiums in respect of which are received by means of collectors:

Provided that such business shall not include—

(*a*) assurances the premiums in respect of which are payable at intervals of two months or more;

(*b*) assurances effected whether before or after the passing of this Act by a society or company established before the date of the passing of this Act which at that date had no assurances outstanding the premiums on which were payable at intervals of less than one month so long as the society or company continues not to effect any such assurances;

(*c*) assurances effected before the passing of this Act, premiums in respect of which are payable at intervals of one month or upwards, and which have up to the commencement of this Act been treated as part of the business transacted by a branch other than the industrial branch of the society or company;

(*d*) assurances for twenty-five pounds or upwards effected after the passing of this Act, premiums in respect of which are payable at intervals of one month or upwards, and which are treated as part of the business transacted by a branch other than the industrial branch of the society or company, in cases where the Commissioner hereinafter mentioned certifies that the terms and conditions of such assurances are on the whole not less favourable to the assured than those imposed by this Act.

(3) When a society or company has ceased to effect industrial assurances, it shall, so long as it continues liable on the assurances previously effected, be deemed to carry on industrial assurance business.

Industrial Assurance Commissioner.

2.—(1) The Chief Registrar of Friendly Societies shall be the authority charged with such powers and duties in relation to industrial assurance as are conferred and imposed upon him by this Act, and in that capacity and in the exercise and performance of the powers and duties of the Chief Registrar of Friendly Societies under the Friendly Societies Acts, 1896 and 1908, in relation to collecting societies he shall, as from the passing of this Act, be known as and styled the Industrial Assurance Commissioner, and is in this Act referred to as the Commissioner, and anything which under the Friendly

59 & 60 Vict. c. 25.
8 Edw. 7. c. 32.

Societies Acts, 1896 and 1908, is authorised or required to be done by, to or before the central office or the registrar or an assistant registrar shall, where the society is a collecting society, be done by, to or before the Commissioner.

(2) Anything which under this Act is required or authorised to be done by, to or before the Commissioner may be done by, to or before such person as he may appoint for the purpose.

Purposes for which policies may be issued.

3. Amongst the purposes for which collecting societies and industrial assurance companies may issue policies of assurance there shall be included insuring money to be paid for the funeral expenses of a parent, child, grandparent, grandchild, brother, or sister, and the issuing of such policies shall be treated as part of the industrial assurance business of the society or company.

Assurances on children's lives.

4.—(1) The provisions of sections sixty-two and sixty-four to sixty-seven of the Friendly Societies Act, 1896, relating to payments on the death of children shall extend to industrial assurance companies as if those provisions were herein re-enacted, and in terms made applicable to industrial assurance companies. Except that there shall be substituted for the words "of six pounds "for children under five years of age and ten pounds for "children under ten years of age" the following: "six "pounds for children under three years of age, ten "pounds for children up to six years of age, and fifteen "pounds for children up to ten years of age."

(2) A collecting society or an industrial assurance company shall not pay any sum on the death of a child under ten years of age except to the person who took out the policy on the life of the child, being the parent, grandparent, brother or sister of the child, or to the personal representative of that person, nor except upon production by the person claiming payment of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars mentioned in section sixty-four of the Friendly Societies Act, 1896:

Provided that, where there is no personal representative of the person who took out the policy, the payment

may be made to such one of the next of kin of that person as proves that he has defrayed, or undertakes to defray, the funeral expenses of the child.

(3) The provisions of this section shall extend to assurances by industrial assurance companies premiums in respect of which are payable at intervals of two months or more.

(4) Section sixty-three of the Friendly Societies Act, 1896, shall cease to apply to collecting societies.

Prohibition on issue of illegal policies.

5.—(1) Any collecting society or industrial assurance company which issues policies of industrial assurance which are illegal or are not within the legal powers of the society or company shall be held to have made default in complying with the provisions of this Act, and, where any such policy has been issued, the society or company shall, without prejudice to any other penalty, be liable to pay to the owner of the policy a sum equal to the surrender value of the policy (to be ascertained in manner hereinafter provided), or, if the policy was issued after the commencement of this Act, a sum equal to the amount of the premiums paid, unless it is proved that owing to any false representation on the part of the proposer, the society or company did not know that the policy was illegal or beyond their legal powers.

(2) No collector of, or person employed by, a society or company shall knowingly assist in effecting a policy of industrial assurance which is illegal or not within the legal powers of the society or company.

Special Provisions as to Collecting Societies.

Name of collecting societies.

6. In the case of any collecting society registered after the thirty-first day of December, eighteen hundred and ninety-five, or of a society which becomes a collecting society after the passing of this Act, the last words in the name of the society shall be "collecting society," and the society shall use its registered name on all documents issued by it and no other name.

Deposits by collecting societies.

7.—(1) Every collecting society shall be under the like obligation to deposit and keep deposited the sum of twenty thousand pounds as an industrial assurance company, and section two of the Assurance Companies Act,

1909, as applied by this Act to industrial assurance companies, shall apply accordingly, subject in its application to collecting societies to the following modifications:—

(*a*) For references to the Board of Trade, there shall be substituted references to the Commissioner:

(*b*) Subsection (3) shall not apply:

(*c*) In the case of a society registered and carrying on industrial assurance business at the passing of this Act, the deposit shall be made before the commencement of this Act; but in any particular case the Commissioner shall, if satisfied as to the financial position of the society at the time of the passing of this Act, postpone the time for making the deposit to some time within five years after the commencement of this Act, and shall, on the application of the society from time to time, further postpone the time for making the deposit if he is still satisfied as to the financial position of the society, but not for more than five years at any one time:

(*d*) In the case of a society commencing to carry on industrial assurance business after the passing of this Act, the deposit shall be made before the society commences to carry on such business:

(*e*) In the case of a society applying after the passing of this Act for registry under the Friendly Societies Act, 1896, or for the registry of amendments of its rules, if the proposed rules of the society or the proposed amendments are such as will enable the society to carry on industrial assurance business, the Commissioner shall not issue to the society an acknowledgment of registry of the society or of amendment of rules, as the case may be, until the deposit has been made:

(*f*) A collecting society shall not be required to make a deposit in respect of any business other than industrial assurance business, but, subject as aforesaid, subsection (4) of the said section shall apply.

(2) If a society feel aggrieved at a refusal of the Commissioner to allow further time for making a deposit

under paragraph (*c*) of subsection (1) of this section, the society may, with the leave of the court, appeal to the High Court or, in the case of a society registered in Scotland, to the Court of Session.

(3) If the Commissioner is satisfied that a collecting society has made default in complying with the provisions of this section, the Commissioner may award that the society be dissolved and its affairs wound up.

(4) This section, so far as it relates to a society commencing to carry on industrial assurance business or applying for registration or for registration of an amendment of rules enabling it to carry on industrial assurance business after the passing of this Act, shall come into operation on the passing of this Act.

(5) Where the rules of a collecting society (hereinafter in this subsection referred to as a subsidiary society), whether registered before or after the passing of this Act, provide that the management of that society shall be vested in the committee of management of some other friendly society (hereinafter in this subsection referred to as the principal society) which was registered before the fourth day of August, nineteen hundred and twenty-one, then—

(*a*) the principal society may make on behalf of the subsidiary society the deposit required to be made by this section and may apply any of its funds for that purpose, and in that case the interest on the deposit, or the securities in which the deposit is for the time being invested, shall be paid to the principal society and not to the subsidiary society; or

(*b*) the principal society may guarantee the liabilities of the industrial assurance fund of the subsidiary society to the extent of twenty thousand pounds in such manner and subject to such amendment of rules as the Commissioner may require, and the principal society may amend its rules accordingly; and if the Commissioner is satisfied with such guarantee he may accept the guarantee in lieu of the deposit required by this section.

Where the principal society is a society with branches, the rules of the society may provide for the central body

of the society borrowing from the branches and the branches lending to the central body funds required for making such a deposit as aforesaid.

Provisions to be contained in rules.

8.—(1) The rules of a collecting society shall provide—

(*a*) for a separate account being kept of all receipts in respect of the industrial assurance business transacted by the society, and for those receipts being carried to and forming a separate fund under the name of the industrial assurance fund; but nothing in this provision shall be construed as requiring the investments of the industrial assurance fund to be kept separate from the other investments of the society;

(*b*) for the industrial assurance fund being as absolutely the security of the owners of the industrial assurance policies as though it belonged to a society carrying on no business other than industrial assurance business, and not being liable for any contracts of the society for which it would not have been liable had the business of the society been only that of industrial assurance, and not being applied directly or indirectly for any purposes other than those of the industrial assurance business of the society, so however as not to affect the liability of that fund to the prejudice of persons interested in contracts entered into by the society before the fourteenth day of February, nineteen hundred and twenty-three;

(*c*) for separate valuations being made of the industrial assurance business of the society.

(2) Save as otherwise provided by the rules of a collecting society, being rules registered before the fourth day of August, nineteen hundred and twenty-one—

(*a*) the rules of a collecting society shall contain the tables in accordance with which policies of industrial assurance are issued by the society; and

(*b*) no policy shall be issued by a collecting society otherwise than in accordance with the rules of the society and with the tables for the time being in force as set forth in those rules.

(3) Such of the provisions of this Act as are mentioned in the First Schedule to this Act shall be set forth in the rules of every collecting society.

Obligation to deliver policies and copies of rules.

9.—(1) A collecting society shall deliver free of charge to every person on his becoming a member of or insuring with the society a printed policy signed by two of the committee of management and by the secretary, together with a copy of the rules of the society in force at the time:

Provided that—

(*a*) in the case of a family enrolled in one book or card, one family policy and one copy of the rules shall be sufficient;

(*b*) if the rules of the society in force at the time of the issue of the policy are printed in easily legible type on the policy, it shall not be necessary to deliver a copy of the rules in addition to the policy.

(2) A collecting society shall also supply to any such person at his request free of charge a copy of any subsequent amendment of the rules of the society.

(3) A collecting society shall also deliver to any member or other person on demand and on payment of a sum not exceeding one shilling, a copy of the rules of the society in force at the time.

Exemptions, total and partial.

10.—(1) The Commissioner may, on the application of a society registered or applying for registry, grant to the society a certificate of exemption from all or any of the provisions of this Act, in any case where he is satisfied that the society does not or will not carry on the business of effecting assurances upon human life, premiums in respect of which are received by means of collectors at a greater distance than ten miles from the registered office of the society, and where he is of opinion that the society is not one to which those provisions ought to apply.

(2) A certificate of exemption under this section shall be granted subject to the condition that the society will not employ collectors to receive premiums on policies issued by the society at a greater distance than ten miles from the registered office of the society, and, if in the case of any society to which a certificate of exemption has

been so granted, the said condition is at any time not complied with, the society and any collector so employed shall be deemed to have contravened the provisions of this Act, and this Act shall be deemed as from the date of such non-compliance to have applied to the society as if no such certificate of exemption had been granted to it.

(3) The certificate shall be subject to revocation by the Commissioner, but shall remain in force until so revoked, and until notice of the revocation has been advertised in the Gazette and in some newspaper in general circulation in the neighbourhood of the registered office of the society, and also transmitted by registered letter to the society.

(4) Where at the commencement of this Act there is in force a certificate of exemption issued under section eleven of the Collecting Societies and Industrial Assurance Companies Act, 1896, or the corresponding provision of any Act repealed by that Act, the certificate shall, after the commencement of this Act, continue in force until revoked and have effect as if it were a certificate issued under this section exempting the society from all the provisions of this Act. 59 & 60 Vict. c. 26.

Special provision as to juvenile societies.

11.—(1) Where a juvenile society within the meaning of this section established before the passing of this Act has been accustomed to receive contributions from its members by means of collectors, the provisions of this Act shall not apply to the society before the first day of January, nineteen hundred and twenty-five, and, if any such society is or has before that date become registered, the Commissioner may, if he considers that the society is one to which the provisions of this Act ought not to apply, grant to the society a certificate of exemption from the provisions of this Act subject to the like power of revocation as in the case of certificates of exemption granted under the last preceding section.

(2) For the purposes of this section, "juvenile society" means a friendly society or branch thereof, whether registered or unregistered, admission to membership whereof is by its rules limited to persons under eighteen years of age, and which satisfies the Commissioner that it is established for the purpose of recruiting members for another friendly society or for the society of which it is a branch.

Special Provisions as to Industrial Assurance Companies.

Application of Act of 1909 to industrial assurance companies.

12.—(1) Industrial assurance business shall, for the purposes of the Assurance Companies Act, 1909, be treated as a separate class of assurance business, and accordingly a separate deposit shall be made in respect of that business as required by section two of that Act.

(2) In relation to industrial assurance business, anything which under the Assurance Companies Act, 1909, is required or authorised to be done to, by, or with the Board of Trade or the President of the Board of Trade shall or may be done to, by, or with the Commissioner and the provisions of that Act shall have effect accordingly:

Provided that, where the company transacts other business besides that of industrial assurance business, nothing in this subsection shall affect the powers and duties of the Board of Trade or the President of the Board of Trade under the said Act in relation to that other class of business; and, where any document required under the said Act to be sent to the Board of Trade relates both to industrial assurance business and to other assurance business, the document shall be sent both to the Commissioner and to the Board of Trade.

(3) In its application to industrial assurance business the Assurance Companies Act, 1909, shall have effect subject to the following modifications:—

(*a*) The provisions relating to life assurance business shall apply also to industrial assurance business with the substitution of references to "industrial assurance business" and "the industrial assurance fund" for references to "life assurance business" and "the life assurance fund":

(*b*) Where any expenses of management, or interest or dividends from investments, or sums on account of depreciation of securities, are apportioned between the industrial assurance business and any other business transacted by the company the auditor shall include in his report a special report as to the propriety or otherwise of the apportionment:

(*c*) A copy of every report of the auditor of the company shall be furnished to the Commissioner:

(*d*) The Commissioner may refuse to issue a warrant for a deposit under section two of the said Act if he considers that it is inexpedient that the company should be authorised to carry on industrial assurance business, but in the case of such refusal the company may appeal to the court, and the Commissioner shall be entitled to appear and be heard on any such appeal:

(*e*) On a petition under section thirteen of the said Act (which relates to the amalgamation of companies and the transfer of business from one company to another) the Commissioner shall be entitled to be heard, and on any such hearing the Commissioner may apply to the court to exercise its powers under paragraph (*b*) of subsection (3) of that section of directing that the requirements of that paragraph shall be dispensed with or modified:

(*f*) On any such petition, any class of persons (including employees of any company concerned) who allege that they are adversely affected by the amalgamation or transfer, shall be entitled to appear and to be heard:

(*g*) The independent actuary referred to in paragraph (*b*) of subsection (3) of the said section thirteen shall be appointed by the President of the Institute of Actuaries or by the President of the Faculty of Actuaries in Scotland on the application of the Commissioner and shall make his report to the Commissioner, by whom copies thereof shall be sent to each company concerned in the amalgamation or transfer, and each such company shall, unless the court otherwise directs, transmit copies thereof to the owner of each policy of the company in manner provided by that section: IIX

(*h*) The said section thirteen shall apply to any transfer from one company to another, howsoever effected, of the liabilities or of any of the liabilities arising in respect of industrial assurance business in like manner as if such transfer were a transfer of the industrial assurance business.

Prohibition of charges on industrial assurance fund.

13. An industrial assurance company shall not, after the commencement of this Act, issue any debentures or debenture stock, or raise any loan, charged or purporting to be charged on any assets of the company in which the industrial assurance fund is invested, and any such charge shall be void:

Provided that this section shall not apply to a temporary bank overdraft.

Act to have effect notwithstanding memorandum, articles or special Act.

14. The provisions of this Act shall have effect notwithstanding anything in the memorandum or articles of association or rules or special Act of any industrial assurance company:

Provided that nothing in this Act shall affect the liability of the industrial assurance fund or of the life assurance fund in the case of a company established before the commencement of this Act to the prejudice of persons interested in contracts entered into by the company before that date.

Accounts, Returns, Inspection, Valuations, Meetings.

Balance sheets and audit.

15.—(1) A copy of every balance sheet of a collecting society shall, during the seven days next preceding the meeting at which the balance sheet is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent by post to any member or person interested in the funds of the society, on demand.

(2) The audit of accounts required by section twenty-six of the Friendly Societies Act, 1896, shall, in the case of a collecting society, be made by a public auditor appointed under that Act, and, if such accounts have not been so audited, the provisions of section twenty-seven of that Act requiring an annual return of the receipts, expenditure, funds and effects of the society as audited shall be deemed not to have been complied with.

Annual accounts and returns.

16.—(1) The Commissioner, after considering any representations made by or on behalf of the society or company affected, may, if it appears to him that any account, return, or balance sheet sent by a collecting society or an industrial assurance company in pursuance of the Friendly Societies Act, 1896, or the Assurance Companies Act, 1909, is in any particular incomplete or incorrect, or does not comply with the requirements of

the Act applicable to the case, reject the account, return, or balance sheet and give such directions as he thinks necessary for the variation thereof.

(2) Where any direction so given entails a consequential alteration of any account, return, or balance sheet sent by an industrial assurance company to the Board of Trade, it shall be the duty of the company to make such consequential alteration therein.

Inspection.

17.—(1) If, in the case of any collecting society or industrial assurance company, in the opinion of the Commissioner there is reasonable cause to believe that an offence against this Act or against the Friendly Societies Act, 1896, or the Assurance Companies Act, 1909, has been, or is likely to be committed, the Commissioner or any inspector appointed by him for the purpose shall have power to examine into and report on the affairs of the society or company, and for that purpose may exercise in respect of the society or company all or any of the powers given by subsection (5) of section seventy-six of the Friendly Societies Act, 1896, to an inspector appointed under that section.

(2) On himself holding such an inspection or on receiving the report of an inspector so appointed the Commissioner may issue such directions and take such steps as he considers necessary or proper to deal with the situation disclosed therein and in particular may in the case of a society award that the society be dissolved and its affairs wound up, and in the case of a company may present a petition to the court for the winding up of the company.

(3) The Commissioner may, if he considers it just, direct that all or any of the expenses of and incidental or preliminary to an inspection under this section shall be defrayed out of the funds of the society or company, or by the officers or former officers, or members or former members of the committee of management or board of directors of the society or company, or any of them in such proportions as the Commissioner directs and sums directed by him to be so paid shall be recoverable by him summarily as a civil debt: Provided that any society or company or person directed to pay any part of such expenses may, with the leave of the court, appeal against the direction to the High Court, or in the case of a society or company registered in Scotland to the Court of Session.

(4) This section shall come into operation on the passing of this Act.

Provisions as to valuations.

18.—(1) In the case of a collecting society or industrial assurance company, the following provisions shall have effect with regard to every valuation made as at the thirty-first day of December, nineteen hundred and twenty-four, or any later date:—

(*a*) The valuation shall be made by an actuary as defined by the Assurance Companies Act, 1909, as modified by this Act;

(*b*) The basis of valuation adopted shall be such as to place a proper value upon the liabilities, regard being had to the mortality experience among the persons whose lives have been assured in the society or company, to the average rate of interest from investments and to the expenses of management (including commission), and shall be such as to secure that no policy shall be treated as an asset;

(*c*) The report containing the abstract of the result of the valuation required by section twenty-eight of the Friendly Societies Act, 1896, to be sent shall be sent by a collecting society to the Commissioner within twelve months after the close of the period to which the valuation relates, and shall contain a statement as to how the values of stock exchange securities (if any) included in the balance sheet are arrived at, and a certificate, signed by the same persons as sign the balance sheet, to the effect that in their belief the assets set forth in the balance sheet are in the aggregate fully of the value stated therein less any investment reserve fund taken into account;

(*d*) Where the balance sheet of a society or company includes amongst the assets thereof any sums representing expenses of organisation or extension, or the purchase of business or good will, and the amount of the assets, exclusive of such sums (after deducting debts due by the society or company other than debentures and loans), is less than the amount of the industrial assurance fund, or, as the case may be, of the several assurance and insurance funds as shown in that balance sheet, the amount of the

industrial assurance fund shown in the valuation balance sheet shall be reduced by the amount of the deficiency, or, as the case may be, by a sum bearing such proportion to that deficiency as the amount of the industrial assurance fund shown in the first-mentioned balance sheet bears to the aggregate amount of all the assurance and insurance funds so shown :

Provided that in the cases hereinafter mentioned this paragraph shall, during such periods as are hereinafter mentioned, apply to societies and companies subject to such relaxations of the stringency of the provisions thereof as the Commissioner may think just; that is to say—

(i) in the case of a society or company in the balance sheet of which last issued before the passing of this Act any such sums as aforesaid were included, for a period of seven years after the passing of this Act;

(ii) in the case of a society or company which, after the date as at which the balance sheet last issued before the passing of this Act was made up, has under an amalgamation or transfer of engagements become liable for the engagements of any other society or company and has in consideration thereof accepted assets which include any such sums as aforesaid, or has in connection therewith incurred expenditure by way of purchase of business or good will, for a period of seven years after the thirty-first day of December next following the date of amalgamation or transfer of engagements;

(*e*) Where debentures have been issued or loans raised which are charged on any of the assets of the company in which the industrial assurance fund is invested, there shall be inserted in the valuation balance sheet a note giving the particulars of the charge and stating that the result shown by the valuation is subject to the liability under the charge;

(*f*) The Commissioner, if satisfied on any valuation that any of the foregoing provisions of this section have not been complied with, or that the industrial assurance fund as stated in the valuation balance sheet is greater than the value of the assets available for the liabilities of that fund, due regard being had to the other liabilities of the society or company and to the foregoing provisions of this section, may reject the valuation, and may direct the society or company to make such alteration therein as may be necessary to secure compliance with those provisions:

Provided that the society or company may appeal to the High Court, or in the case of a society or company registered in Scotland to the Court of Session, against any decision of the Commissioner under this paragraph;

(*g*) The Commissioner may direct any collecting society or industrial assurance company to furnish to him, in addition to such information as the society is required to furnish under section twenty-eight of the Friendly Societies Act, 1896, or the company is required to furnish under the Assurance Companies Act, 1909, all or any of such particulars as are mentioned in the Second Schedule to this Act, and such explanations as he may consider necessary in order to satisfy himself whether the valuation complies with the provisions of this section.

(2) Notwithstanding anything in section twenty-eight of the Friendly Societies Act, 1896, or section five of the Assurance Companies Act, 1909, the first valuation under this Act shall, in the case of any collecting society and industrial assurance company, be made as at a date not later than the thirty-first day of December, nineteen hundred and twenty-five.

(3) If in the case of a collecting society or industrial assurance company a valuation, whether made before or after the passing of this Act, discloses a deficiency, the Commissioner may, if after investigation he is satisfied that the society or company should cease to carry on industrial assurance business, award that the society be dissolved and its affairs wound up, or, in the case of a

company, present a petition to the court for the winding-up of the company:

Provided that the Commissioner shall not, during the first five years after the passing of this Act, take action under this subsection if he is satisfied that substantial measures are being taken to improve the financial condition of the society or company.

General meetings.

19.—(1) At least one general meeting of every collecting society and industrial assurance company shall be held in every year.

(2) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall either be given by the society or company to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society or company carries on business, or be served upon every member.

(3) The notice shall specify the day, hour, and place, and the objects of the meeting, and, in case any amendment of a rule is intended to be proposed, shall contain a copy of every such amendment.

(4) The society or company shall publish the last of such advertisements, or serve such notice as aforesaid, at least fourteen days before the day appointed for the meeting, and shall, during those fourteen days, keep a copy of the notice in legible characters affixed in some conspicuous place in or outside every office at which the business of the society or company is carried on.

Rights of Owners of Policies.

Provisions as to proposals for policies.

20.—(1) Every proposal for an industrial assurance policy shall, except—

(*a*) where the policy is taken out on the life and on behalf of a child under the age of sixteen; or

(*b*) where the policy assures a payment of money for the funeral expenses of parent, child, grandparent, grandchild, brother, or sister; or

(*c*) where the person whose life is to be assured under the policy is a person in whom the proposer has an insurable interest;

contain a declaration by the person whose life is to be assured that the policy is to be taken out by him, and that the premiums thereon are to be paid by him.

Where the person whose life is to be assured under the policy is a person in whom the proposer has an insurable interest, the proposal shall contain a statement of the nature of that interest.

(2) A collecting society or industrial insurance company shall not, nor shall any collector or agent of such a society or company, issue a proposal form or accept a proposal which does not comply with the foregoing provisions of this section.

(3) If the proposal contains a statement that the person whose life is proposed to be assured is not at the time of making the proposal a person on whose life another policy has been issued by the society or company, and a policy is issued in pursuance of the proposal, the society or company shall be liable under the policy, notwithstanding that the statement is not true, and the truth of the statement is made a condition of the policy.

(4) If a proposal form for an industrial assurance policy is filled in wholly or partly by a person employed by the society or company, the society or company shall not, except where a fraudulent statement in some material particular has been made by the proposer, be entitled to question the validity of the policy founded on the proposal on the ground of any misstatement contained in the proposal form:

Provided that—

(*a*) if the proposal form contains a misstatement as to the age of the person whose life is proposed to be assured, the society or company may so adjust the terms of the policy, or of any policy which may be issued in substitution or in lieu thereof, as to make them correspond with the terms which would have been applicable if the correct age of the person had been originally inserted in the proposal;

(*b*) where but for this subsection the validity of a policy could have been questioned on the ground of any misstatement in the proposal form relating to the state of health of the

person upon whose life the assurance is to be taken out at the date of the proposal, nothing in this subsection shall prevent such a question being raised, if raised within two years from the date of the issue of the policy founded on the proposal.

Forms of policies.

21.—(1) A policy of industrial assurance issued after the commencement of this Act shall set out the provisions of this Act mentioned in the Third Schedule to this Act, such of those provisions as are contained in Part II. of that Schedule being printed in distinctive type, and in the case of a policy on the life of a child under ten years of age shall also set out in distinctive type a statement of the effect of section sixty-two of the Friendly Societies Act, 1896:

Provided that the policy may, if the Commissioner consents, in lieu of setting out the said provisions of this Act, contain a statement which, in the opinion of the Commissioner, sufficiently sets forth the effect of those provisions.

(2) Where a policy of industrial assurance issued after the commencement of this Act does not comply with the provisions of this section, the society or company effecting the insurance shall be guilty of an offence against this Act, and shall, without prejudice to any other liability be liable to pay to the person by whom the premiums have usually been paid a sum equal to the amount of the premiums paid, which sum shall be recoverable summarily as a civil debt.

Return of policies and premium receipt books after inspection.

22. If at any time a collecting society or industrial assurance company, or any person employed by such a society or company, take possession of a policy or premium receipt book or other document issued in connection with a policy, a receipt shall be given, and the policy book or document shall be returned to the owner of the policy within twenty-one days, unless the policy has been terminated by reason of satisfaction of all claims capable of arising thereunder:

Provided that, where possession is taken of a policy, book or document for the purpose of legal proceedings to be taken by the society or company that issued the policy against a collector, it shall be lawful for the

society or company to retain the policy, book or document so long as may be necessary for the purposes of those proceedings, but in that case if the policy, book or document is retained for more than twenty-one days, the society or company shall supply to the owner of the policy, a copy thereof certified by the society or company to be a true copy.

Notice before forfeiture.

23.—(1) A forfeiture shall not be incurred by any member or person assured in a collecting society or industrial assurance company by reason of any default in paying any premium until after—

(*a*) notice stating the amount due from him, and informing him that in case of default of payment by him within twenty-eight days and at a place to be specified in the notice his interest or benefit will be forfeited, has been served upon him by or on behalf of the society or company; and

(*b*) default has been made by him in paying any premium in accordance with that notice.

(2) This section shall extend to contracts of assurance effected by a collecting society before the commencement of this Act which are not contracts of industrial assurance within the meaning of this Act.

Provisions as to forfeited policies.

24.—(1) Where notice of the forfeiture of a policy of industrial assurance by reason of default in the payment of any premium thereunder has been served on the owner of the policy, then if the policy—

(*a*) is a policy for the whole term of life or for a term of fifty years or upwards, the person whose life is assured under which is a person who is at the time of such default over fifteen years of age, and upon which not less than five years' premiums have been paid; or

(*b*) is a policy for a term of twenty-five years or upwards, but less than fifty years, upon which not less than five years' premiums have been paid; or

(*c*) is a policy for a term of less than twenty-five years upon which not less than three years' premiums have been paid;

the owner of the policy shall, on making application for the purpose to the collecting society or industrial assurance

company within one year from the date of the service of the notice, be entitled—

(i) to a free paid-up policy for such amount as is hereinafter mentioned payable upon the happening of the contingency upon the happening of which the amount assured under the original policy would have been payable or of any other contingency not less favourable to the owner of the policy; or

(ii) if the owner of the policy is permanently resident or submits satisfactory proof of his intention to make his permanent residence outside Great Britain, the Isle of Man and the Channel Islands, or if the person whose life is assured has disappeared and his existence is in doubt, to the surrender value of the forfeited policy ascertained in manner hereinafter provided.

(2) The amount of a free paid-up policy so issued as aforesaid shall not be less than such as may be determined in accordance with the rules contained in the Fourth Schedule to this Act, and shall be ascertained at the date when the premium following the last premium paid became due:

Provided that the amount of the free paid-up policy shall not exceed the difference between the amount of the forfeited policy (inclusive of any bonus added thereto) and the amount which would be assured by a corresponding policy at the same premium effected on the life of the same person according to the age of that person at his birthday next following the date of forfeiture.

(3) In every premium receipt book issued after the commencement of this Act there shall be printed a notice stating that in the event of the forfeiture, after the expiration of five years from the passing of this Act, of any policy of industrial assurance by reason of default in the payment of premiums thereunder, the owner of the policy shall, if the policy has been in force a sufficient period as provided by this section, be entitled to a free paid-up policy or, if the conditions mentioned in paragraph (ii) of subsection (1) of this section are fulfilled, to the surrender value of his policy, and that upon application to the head office of the society or company information as to the amount of such free paid-up policy or

surrender value will be supplied, and it shall be the duty of the society or company to supply such information.

(4) Where the rules of a society or the conditions of a policy are such as would confer on the owner of the policy in case of forfeiture rights more favourable to the owner of the policy than those conferred by this section, nothing in this section shall prevent the owner of the policy from claiming under those rules or conditions instead of under this section.

(5) This section shall not apply in the case of a forfeiture occurring before the expiration of five years after the passing of this Act.

Substitution of policies.

25.—(1) Where the owner of an industrial assurance policy agrees to accept a new policy in substitution therefor, the collecting society or industrial assurance company, shall pay to the owner of the policy the surrender value (to be ascertained in manner herein-after provided) of the old policy or shall issue to him a free paid-up policy of equivalent value, unless the value of the substituted policy, calculated in accordance with the rules set out in the Fourth Schedule to this Act, at the date of the substitution is equal to or exceeds such surrender value.

(2) In any such case the society or company shall furnish to the owner of the policy, with the new policy and new premium receipt book, a statement setting forth the rights of the owner under this section, and containing an account certified by the secretary of the society or company, or other officer appointed for the purpose, showing the surrender value of the old policy and the value of the new policy.

(3) Where a substituted policy is so issued and the value thereof is equal to or exceeds the surrender value of the old policy, then, for the purpose of determining whether the owner is entitled to a free paid-up policy or surrender value under the provisions of this Act relating to forfeited policies, the substituted policy shall be deemed to have been issued at the date at which the old policy was issued, and premiums shall be deemed to have been paid on the substituted policy in respect of the period between that date and the date at which the substituted policy was actually issued.

Transfers from one society or company to another.

26.—(1) A member of or person assured with a collecting society or industrial assurance company shall not, except in the case of—

(*a*) as respects a collecting society, an amalgamation, transfer of engagements or conversion into a company under the Friendly Societies Act, 1896, or this Act; or

(*b*) as respects an industrial assurance company, an amalgamation or transfer of business under the Assurance Companies Act, 1909, or this Act,

be transferred from the society or company in which he was so assured so as to become or be made a member of or be assured with any other such society or company without his written consent, or, in the case of an infant, without the like consent of his parent or other guardian, and any society or company and any collector or other officer of any society or company concerned in such a transfer shall, if the provisions of this section are not complied with, be deemed to have contravened the provisions of this Act.

(2) Such consent as aforesaid shall be in the prescribed form and shall have annexed thereto a document in the prescribed form to be furnished by the society or company to which the transfer is to be made setting out the terms of and rights under the existing policy, and the terms of and rights under the policy to which the assured will become entitled on transfer and the consideration (if any) which has been or is to be paid for the transfer and the person to whom such consideration has been or will be paid.

(3) The society or company to which the assured is sought to be transferred shall furnish to the person by whom such consent as aforesaid is signed a copy of such consent and of the document annexed thereto, and shall, within seven days from the date when such consent is signed, give to the society or company from which the assured is sought to be transferred notice of the proposed transfer containing full particulars of the name and address of the assured and the number of his policy, together with such consent as aforesaid, and the document annexed thereto.

(4) As from the date of the said notice, the society or company from which the person is sought to be

transferred shall cease to be under any liability with respect to the policy in question and shall not be required to serve any notice of forfeiture of the policy in accordance with the foregoing provisions of this Act.

Payment of claims.

27. Where a claim arising under a policy of industrial assurance is paid, no deductions shall be made on account of any arrears of premiums due under any other policy.

Policies to which 4 & 5 Geo. 5. c. 78 applies.

28.—(1) The Courts (Emergency Powers) Act, 1914, shall cease to be in force so far as it relates to the enforcement of lapses of policies of insurance.

(2) The owner of any policy to which the said Act applied shall be entitled at his option either—

(*a*) on payment at any time before the expiration of six months after the publication of such notice as is hereinafter mentioned of all arrears in premiums then due, to secure the maintenance of the policy; or

(*b*) on making application in writing for the purpose at any time before the expiration of six months after the publication of such notice as aforesaid, to have a new policy issued to him of such reduced amount, or, in the case of an endowment assurance policy modified in such manner, as having regard to the amount of the arrears may be determined under regulations made by the Commissioner to be proper to give effect to the loss occasioned by the non-payment of the arrears.

(3) Every collecting society and industrial assurance company shall, within three months after the passing of this Act, publish in such manner as the Commissioner may approve, notice of the rights under this section of the owners of policies to which the said Act applied.

(4) Where the person whose life is assured under any such policy has died before the passing of this Act or within nine months thereafter and the option hereinbefore conferred has not been exercised before his death, the society or company on application being made for the purpose within two years after the passing of this Act shall be liable to pay to the person entitled to receive the sum assured under the policy the amount thereof after

deducting the amount of the arrears of premiums due at the date of death.

(5) This section shall come into force on the passing of this Act.

Value of policies.

29.—(1) Where for the purposes of this Act the value of a policy (including an illegal policy and a policy beyond the legal powers of a collecting society or industrial assurance company) has to be ascertained, the value of the policy shall be calculated in accordance with the rules set out in the Fourth Schedule to this Act.

(2) The surrender value of such a policy shall be an amount equal to seventy-five per cent. of the value of the policy so calculated.

War bond policies.

30.—(1) The owner of any war bond policy existing at the passing of this Act shall be entitled to make application to the Commissioner alleging that the conditions of the policy are so unreasonable as to entitle him to claim relief under this section, and the Commissioner shall consider the application, and if he is of opinion, after giving the society or company an opportunity of being heard, that the conditions of the policy are such as to warrant such a course, he shall direct that so far as relates to lapse and surrender the policy and all other policies (if any) issued by the same society or company which contain the same conditions shall be modified in such manner as having regard to the legitimate interests of the society or company and the other owners of policies appears to him just, and all policies to which the directions relate shall thereupon have effect as so modified:

Provided that any society or company may appeal to the High Court, or in the case of a society or company registered in Scotland the Court of Session, against any decision of the Commissioner under this section.

(2) For the purposes of this Act, "war bond policy" means a policy of life assurance, whether an industrial assurance policy or not, where the amount assured is payable in any securities issued in connection with any Government loan raised for the purposes of the war, or in such securities or in cash at the option of the owner of the policy.

(3) This section shall come into operation on the passing of this Act.

Saving for certain policies issued before 3rd Dec. 1909.

31. No policy effected before the third day of December, nineteen hundred and nine, with a collecting society or an industrial assurance company shall be deemed to be void by reason only that—

(*a*) the person effecting the policy had not, at the time the policy was effected, an insurable interest in the life of the person upon whose life the policy is taken out; or

(*b*) the name of the person interested, or for whose benefit or on whose account the policy was effected, was not inserted in the policy; or

(*c*) the assurance was not one authorised by the Acts relating to friendly societies;

if the policy was effected by or on account of a person who had at the time a bonâ fide expectation that he would incur expenses in connection with the death or funeral of the person whose life is insured, and if the sum assured is not unreasonable for the purpose of covering those expenses, and any such policy shall enure for the benefit of the person for whose benefit it was effected or his assigns.

Disputes.

Disputes.

32.—(1) In all disputes between a collecting society or industrial assurance company, and

(*a*) any member or person assured; or

(*b*) any person claiming through a member or person assured, or under or in respect of any policy, or under the rules, or under this Act; or

(*c*) any person aggrieved who has ceased to be a member or any person claiming through such person aggrieved,

that member or person may, notwithstanding any provisions of the rules of the society or company to the contrary, apply to the county court, or to a court of summary jurisdiction for the place where that member or person resides, and the court may (but in the case of a court of summary jurisdiction only if the amount of the claim does not exceed twenty-five pounds and not less than fourteen days' notice of the application has been given to the society or company) settle that dispute

according to the provisions of the Friendly Societies Act, 1896, and, where a dispute is settled under this section by a court of summary jurisdiction, the court may make such order as to costs as it considers fair and reasonable :

Provided that any such dispute may be referred to the Commissioner—

(*a*) by such collecting society, industrial assurance company, member or person as aforesaid, if the amount of the claim does not exceed fifty pounds and the legality of the policy is not questioned, and fraud or misrepresentation is not alleged ; and

(*b*) in any case, by both parties, without restriction as to the amount of claim or the nature of the question to be decided ;

and, where a dispute is so referred, the Commissioner may deal with the dispute as if it were a dispute referred to him under the provisions of section sixty-eight of the Friendly Societies Act, 1896, and the consent of the Treasury to his dealing therewith had been given.

(2) In any case where a doubt arises as to the continued existence of the person on whose life a policy of industrial assurance was taken out, the Commissioner may, on the application of the owner of the policy or of the society or company which issued the policy, award that the society or company shall pay to the owner of the policy the surrender value thereof at the time of the award, and the award shall be a discharge for all claims by or against the society or company in connection with the policy.

Provisions as to Collectors, &c.

Disabilities of collectors, &c.

33.—(1) A collector of a collecting society or industrial assurance company shall not be a member of the committee of management, or in the case of a company of the board of directors, or hold any other office in the society or company except that of superintending collectors within a specified area.

(2) A collector or superintendent shall not be present at any meeting of the society or company.

Restriction on employment of persons to procure new business.

34.—(1) A collecting society or industrial assurance company shall not, nor shall any person employed by such a society or company, employ any person not being a person in the regular employment of the society or company to procure or endeavour to procure any person to enter into a contract of industrial assurance, and no person not regularly in the employment of such a society or company shall procure or endeavour to procure any person to enter into such a contract.

(2) For the purposes of this section, references to regular employment shall include regular part-time as well as regular whole-time employment.

Notification of appointments of secretary and members of committee of management.

35.—(1) Every collecting society registered before the passing of this Act shall, within one month after the passing of this Act, and every collecting society registered after the passing of this Act or society which becomes a collecting society after the passing of this Act shall, within one month of the date when it is so registered or so becomes a collecting society, send to the Commissioner in such form as he may direct, the names of its secretary and of the members of its committee of management, and every such society shall, within fourteen days after the appointment of a new secretary or a new member of the committee of management, send to the Commissioner in such form as he may direct the name of the person so appointed, together with such particulars in each case as he may require.

(2) This section shall come into operation on the passing of this Act.

Amalgamations, Transfers and Conversions.

Transfer of engagements of collecting societies.

36.—(1) Section seventy of the Friendly Societies Act, 1896, in its application to an amalgamation and transfer of engagements of collecting societies shall have effect subject to the following modifications:—

(i) Before the assent required by that section is sought to be obtained, there shall, unless the Commissioner otherwise directs, be sent to each member a statement in such form and containing such particulars as the Commissioner

may require, of the terms of the amalgamation or transfer, and the consideration proposed to be paid therefor, the manner in which that consideration is to be distributed, and the exact share therein which is to be paid to each person participating in the distribution:

(ii) An amalgamation or transfer shall not become effective unless sanctioned by the Commissioner, and the Commissioner, before sanctioning any such amalgamation or transfer, shall hear any representations made on behalf of any class of persons (including the employees of any society concerned) who allege that they are adversely affected by the amalgamation or transfer, and may require as a condition of his sanction that the terms of the amalgamation or transfer shall be modified in such manner as he may consider just.

(2) The said section as so modified shall apply to the transfer by a collecting society of its engagements to an industrial assurance company as if in subsection (2) thereof for the words "any other registered society" there were substituted the words "an industrial assurance company"; and section seventy-one of the Friendly Societies Act, 1896, so far as it enables a registered friendly society to amalgamate with or transfer its engagements to a company, shall not apply to a collecting society.

Transfer of business from company to society.

37. The provisions of the Assurance Companies Act, 1909, as amended by this Act relating to the transfer of industrial assurance business or liabilities arising in respect of industrial assurance business from one industrial assurance company to another, shall, with the necessary modifications, apply to the transfer of such business or liabilities from an industrial assurance company to a collecting society.

Conversion of collecting society into company.

38.—(1) Section seventy-one of the Friendly Societies Act, 1896, so far as it relates to the conversion of a society into a company shall, in its application to a collecting society, have effect subject to the following modifications:—

(*a*) A copy of the special resolution shall be sent to the Commissioner;

(*b*) If within one month after the copy of the special resolution is so sent to him the Commissioner gives notice in writing to the society that he objects to the conversion, the conversion shall not be effected without the sanction of the High Court or in the case of a society registered in Scotland of the Court of Session;

(*c*) On the application to the court for such sanction the Commissioner shall be entitled to appear and be heard.

(2) Without prejudice to the powers conferred by section seventy-one of the Friendly Societies Act, 1896, as so amended, the committee of management of a collecting society having more than one hundred thousand members may petition the court to make an order for the conversion of the society into a mutual company under the Companies Acts, 1908 to 1917, and the court may make such an order if, after hearing the Commissioner if he desires to be heard, and the committee of management, and other persons whom the court considers entitled to be heard on the petition, the court is satisfied, on a poll being taken, that fifty-five per cent. at least of the members of the society over sixteen years of age agree to the conversion:

Provided that, before any such petition is presented to the court, notice of intention to present the petition shall be published in the Gazette, and in such newspapers as the court may direct.

(3) The court may give such directions as it thinks fit for settling a proper memorandum and articles of association of the company.

(4) When a collecting society converts itself into a company in accordance with the provisions of this section, subsection (3) of section seventy-one of the Friendly Societies Act, 1896, shall apply in like manner as if the conversion were effected under that section.

Offences, Notices, &c.

Offences.

39.—(1) Any collecting society which contravenes or fails to comply with any of the provisions of this Act, or any directions by the Commissioner given thereunder, shall be guilty of an offence under this Act and the

provisions of the Friendly Societies Act, 1896, with respect to offences thereunder and to proceedings in respect of such offences shall apply to offences by societies under this Act:

Provided that the maximum penalty which may be inflicted for an offence under this Act shall be a fine not exceeding one hundred pounds or, in the case of a continuing offence, a fine not exceeding fifty pounds a day during which the offence continues.

(2) Any industrial assurance company which contravenes or fails to comply with any of the provisions of this Act, or any directions given by the Commissioner thereunder shall be guilty of an offence under this Act, and a company guilty of such an offence shall be liable to the like penalties, recoverable in the same manner, as in the case of a default in complying with any of the requirements of the Assurance Companies Act, 1909, and section twenty-three of that Act shall apply accordingly.

(3) If any collector of a collecting society or industrial assurance company, or any other person, contravenes or fails to comply with any of the provisions of this Act affecting such collector or other person, he shall be guilty of an offence under this Act and liable on summary conviction to a fine not exceeding fifty pounds.

(4) Where any body of persons not being a collecting society or industrial assurance company as defined by this Act carries on industrial assurance business, any director, manager or secretary or other officer or agent of that body who is knowingly a party to the carrying on of such business shall, unless that body is exempted from the provisions of this Act, be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding fifty pounds for each day during which the offence continues:

Provided that, where a person is convicted of a second offence under this subsection, he may be sentenced to imprisonment with or without hard labour for a term not exceeding three months.

Any such body of persons as aforesaid shall also, without prejudice to any other penalty, be liable to pay to the owner of any policy of industrial assurance issued by them such sum as an industrial assurance company

which has knowingly issued an illegal policy is under this Act liable to pay to the owner of such illegal policy.

(5) Notwithstanding any limitation on the time for the taking of proceedings contained in any Act, summary proceedings for offences under this Act, or for offences under the Friendly Societies Act, 1896, where the society by or in respect of which, or the person by or in respect of whom, the offence is alleged to have been committed is a collecting society or an officer of such a society, may be commenced at any time within one year of the first discovery thereof by the Commissioner, but not in any case after more than three years from the commission of the offence.

(6) The court by which a fine is imposed in pursuance of this Act may direct that the whole or any part thereof shall be applied in or towards the payment of the costs of the proceedings and subject to any such direction and, subject in England to section four of the Criminal Justice Administration Act, 1914, all such fines shall, notwithstanding anything in any other Act, be paid into the Exchequer.

4 & 5 Geo. 5. c. 58.

Penalties for falsification.

40. If any person wilfully makes, orders, or allows to be made any entry or erasure in, or omission from a collecting book or premium receipt book, with intent to falsify that book, or to evade any of the provisions of this Act, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Notices.

41. Where any notice is required by this Act to be served upon any member or other person, the notice shall be in writing, and either delivered or sent by post to him, or, in the case of a notice of default, so delivered or sent or left at his last known place of abode.

Bond Investment Business.

Amendment of law relating to bond investment business.

42.—(1) Bond investment business shall, for the purposes of the Assurance Companies Act, 1909, include cases where the subscriptions are payable at periodical intervals of over two months but less than six months,

except where such business is sinking fund or capital redemption insurance business, and accordingly for paragraph (*e*) of section one of that Act the following paragraph shall be substituted:—

"(*e*) Bond investment business, that is to say, the business of issuing bonds or endowment certificates by which the company in return for subscriptions payable at periodical intervals of less than six months contract to pay the bond-holder a sum at some future date, and not being life assurance as hereinbefore defined, or sinking fund or capital redemption insurance business."

(2) Where in return for subscriptions payable at periodical intervals of less than six months a person or body of persons corporate or unincorporate (not being registered or certified under the Acts relating to friendly societies, building societies, or trade unions) undertake, by prospectus or otherwise, to pay to the subscriber at a future date the amount of the subscriptions with interest thereon (with or without a right on the part of the subscriber to the return of his subscriptions in the meantime), such business shall, for the purposes of the Assurance Companies Act, 1909, be treated as bond investment business, and the card, book, or other document in which receipts of subscriptions are entered shall be treated as the instrument evidencing the contract, and the subscriber shall be treated as the owner of the policy, subject however to such modifications of the provisions of the Fourth, Fifth, and Sixth Schedules to that Act as may be prescribed by the Board of Trade for the purpose of adapting to such business as aforesaid the provisions of those schedules relating to bond investment business.

General.

Regulations.

43. The Commissioner may, subject to the approval of the Treasury, make regulations for prescribing anything which under this Act is to be prescribed and for imposing fees and generally for carrying this Act into effect and all regulations so made shall forthwith be laid before both Houses of Parliament, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty days on which

that House has sat next after the regulations are laid before it praying that the regulations may be annulled, they shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of new regulations. If the Session of Parliament ends before such twenty days as aforesaid have expired, the regulations shall be laid before each House of Parliament at the commencement of the next Session as if they had not previously been laid:

Provided that the regulations so made shall not be deemed to be statutory rules to which section one of the Rules Publication Act, 1893, applies.

56 & 57 Vict. c. 66.

Reports of Commissioner.

44. The Commissioner in every year shall make a report of his proceedings under this Act, which may contain any comments he may consider desirable to make on the valuations, annual returns, or other documents or matters brought before him under this Act, and any correspondence in relation thereto, and the report shall be laid before Parliament.

Interpretation.

45.—(1) In this Act, unless the context otherwise requires—

The expression "collector" shall include every person, howsoever remunerated, who, by himself or by any deputy or substitute, makes house to house visits for the purpose of receiving premiums payable on policies of insurance on human life, or holds any interest in a collecting book and includes such a deputy or substitute as aforesaid:

The expression "premium" includes contribution:

The expression "collecting book" includes any book or document held by a collector in which payments of premiums are recorded:

The expression "premium receipt book" includes any book or document held by the owner of a policy in which acknowledgments of receipts of premiums payable in respect of the policy are entered:

The expression "owner" in relation to any policy means the person who is for the time being the person entitled to receive the sums payable under the policy on maturity, and in the case of an illegal policy or a policy not within the legal powers of the society or company which issued it

means the person who would be so entitled were the policy a legal policy or a policy within such powers:

The expression "rules" in relation to a company means the memorandum and articles of association of the company:

The expression "the Companies Acts" means the Companies Acts, 1908 to 1917, and any Acts repealed by the Companies (Consolidation) Act, 1908. 8 Edw. 7. c. 69.

Other expressions have the same meaning as in the Friendly Societies Act, 1896.

(2) Where under this Act the Commissioner awards that a collecting society be dissolved and its affairs wound up, the award shall be made in the like manner and have the like consequences as if it were an award made under section eighty of the Friendly Societies Act, 1896, and may direct in what manner the assets are to be divided or appropriated:

Provided that the society may appeal against the award to the High Court or in the case of a society registered in Scotland to the Court of Session.

(3) The application of this Act to Scotland, the Isle of Man, and the Channel Islands shall be subject to the same modifications as are expressed in the Friendly Societies Act, 1896, with respect to the application of that Act, and for the purposes of this Act the Isle of Man and the several Channel Islands shall be deemed to be counties.

Short title, extent, commencement, and repeal.

46.—(1) This Act may be cited as the Industrial Assurance Act, 1923.

(2) This Act shall extend to Great Britain, the Isle of Man, and the Channel Islands.

(3) This Act, except as otherwise expressly provided, shall come into operation on the first day of January, nineteen hundred and twenty-four.

(4) The enactments mentioned in the Fifth Schedule to this Act are, except so far as they relate to Ireland, hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

Section 8.

FIRST SCHEDULE.

SECTIONS OF ACT TO BE CONTAINED IN THE RULES OF COLLECTING SOCIETIES.

Section 5. Prohibition on issue of illegal policies.
Section 9. Obligation to deliver policies and copies of rules.
Section 15. Balance sheets and audit.
Section 18. Provisions as to valuations.
Section 19. General meetings.
Section 20. Provisions as to proposals for policies.
Section 21. Forms of policies.
Section 22. Return of policies and premium receipt books after inspection.
Section 23. Notice before forfeiture.
Section 24. Provisions as to forfeited policies.
Section 25. Substitution of policies.
Section 26. Transfers from one society or company to another.
Section 27. Payment of claims.
Section 28. Policies to which 4 & 5 Geo. 5. c. 78 applies.
Section 31. Saving for certain policies issued before 3rd December 1909.
Section 32. Disputes.
Section 34. Restriction on employment of persons to procure new business.
Section 40. Penalties for falsification.
Section 41. Notices.

Section 18.

SECOND SCHEDULE.

ADDITIONAL PARTICULARS AS TO VALUATIONS.

1. An analysis as near as may be of the premium income of each of the five years preceding the valuation date into income arising from

(*a*) policies which were not of more than one year's duration at the date such income arose; and

(*b*) policies which were of more than one year's duration at the date such income arose.

Note: This analysis to be given separately for policies with weekly premiums and for policies with premiums payable at longer intervals than one week.

2. The amount, if any, by which the value of the Office Yearly Premiums as shown in respect of each item in the Form referred to under Heading No. 7 in the Fourth Schedule (A) to the Assurance Companies Act, 1909, has been reduced in order to secure that no policy shall be treated as an asset.

3. If the proportion of the annual premium income reserved as a provision for future expenses and profits as stated in answer to question 5 of the Fourth Schedule (A) to the Assurance Companies Act, 1909, is not uniform for all policies of the same class, specimens of the proportion so reserved in respect of policies effected at such ages and having been in force for such periods as the Commissioner may select.

4. Specimen values of the net liabilities under policies (exclusive of any bonuses added) according to the basis of valuation adopted, in respect of each of the principal classes of assurances for policies effected at such ages and of such durations as the Commissioner may select.

5. A statement of the actual number of deaths at ages over ten years in the five years preceding the valuation date under policies for the whole term of life in comparison with the number of deaths which would have occurred if the mortality experience had been in exact agreement with the table of mortality employed for the purpose of the valuation, to be given separately for decennial groups of ages.

THIRD SCHEDULE.

Section 21.

Provisions of Act to be set out in Policies.

Part I.

Section 20(4).	Provisions as to proposals for policies.
Section 22.	Return of policies and premium receipt books after inspection.
Section 23.	Notice before forfeiture.
Section 24.	Provisions as to forfeited policies.
Section 25.	Substitution of policies.
Section 26.	Transfers from one society or company to another.
Section 27.	Payment of claims.
Section 32.	Disputes.
Section 41.	Notices.

PART II.

Section 23. Notice before forfeiture.
Section 24. Provisions as to forfeited policies.
Section 41. Notices.

Sections 24, 25, 29.

FOURTH SCHEDULE.

RULES FOR VALUING POLICIES.

1. The value of the policy is to be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus added thereto, and the present value of the future net premiums.

2. The net premium is to be such premium as according to the assumed rate of interest and rate of mortality and the age of the person whose life is assured at his birthday next following the date of the policy is sufficient to provide for the risk incurred by the company or society in issuing the policy, exclusive of any addition thereto for office expenses and other charges:

Provided that—

(*a*) In the case of a policy other than a policy for the whole term of life issued before the person whose life is assured attained the age of ten years, the date of the policy may be assumed to be one year after the actual date, and, if it is so assumed, the term of the policy may be assumed to be one year less than the actual term:

(*b*) In the case of a policy for the whole term of life issued before the person whose life is assured attained the age of ten years, no account shall be taken of any period for which the policy was in force before the anniversary of the date of the issue of the policy next preceding the date on which the age of eleven years was attained:

(*c*) In the case of a substituted policy, the net premium shall be calculated with reference to such sum as, according to the practice of the society or company for the time being, would have been assured by the premiums payable if the person upon whose life the substituted policy is issued had not been assured with the society or company before the issue of that policy.

RULE FOR ASCERTAINING THE AMOUNT OF A FREE PAID-UP POLICY.

The amount of a free paid-up policy is to be a sum bearing the same proportion to seventy-five per cent. of the value of the policy as the sum of one pound bears to the value of the reversion in the sum of one pound according to the contingency upon which the sum assured under the original policy was payable.

GENERAL RULES APPLICABLE BOTH FOR VALUING POLICIES AND FOR ASCERTAINING THE AMOUNT OF A FREE PAID-UP POLICY.

1. Interest is to be assumed at the rate of four per centum per annum.

2. The rate of mortality is to be assumed according to the table contained in the Sixth column of Table G. in the Supplement to the Sixty-fifth Annual Report of the Registrar-General.

3. The age of the person whose life is assured shall be obtained by adding to the age attained by him at his birthday next after the date of the issue of the policy, the duration of the policy in completed years at the date as at which the value of the policy is required to be ascertained.

4. In the case of a policy issued for a term other than the whole term of life, the remaining term at the date at which the value of the policy is required to be ascertained shall be obtained by deducting from the original term of the policy the duration of the policy in completed years at that date.

FIFTH SCHEDULE.

Section 46.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
59 & 60 Vict. c. 26.	The Collecting Societies and Industrial Assurance Companies Act, 1896.	The whole Act.
9 Edw. 7. c. 49.	The Assurance Companies Act, 1909.	Section thirty-six.
12 & 13 Geo. 5. c. 50.	The Expiring Laws Act, 1922.	So far as it continues the provisions of the Courts (Emergency Powers) Act, 1914, relating to policies of insurance.

Amended by Ag. Agricultural (Amendment) Act 1923 (cl. 25 post p. 387)

CHAPTER 9.

An Act to consolidate certain enactments relating to Agricultural Holdings in England and Wales.

[7th June 1923.]

BE it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Compensation for Improvements on Holdings.

Right of tenant to compensation for improvements.

1.—(1) Where a tenant of a holding has made thereon any improvement comprised in the First Schedule to this Act he shall, subject as in this Act mentioned, and, in a case where the contract of tenancy was made on or after the first day of January, nineteen hundred and twenty-one, then whether the improvement was or was not an improvement which he was required to make by the terms of his tenancy, be entitled, at the termination of the tenancy, on quitting his holding to obtain from the landlord as compensation for the improvement such sum as fairly represents the value of the improvement to an incoming tenant.

(2) In the ascertainment of the amount of the compensation payable to a tenant under this section there shall be taken into account—

(*a*) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement, whether expressly stated in the contract of tenancy to be so given or allowed or not; and

(*b*) as respects manuring as defined by this Act, the value of the manure required by the contract of tenancy or by custom to be returned to the holding in respect of any crops

grown on and sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(3) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

Consent of landlord as to improvement in First Schedule, Part I.

2. Compensation under this Act shall not be payable in respect of any improvement comprised in Part I. of the First Schedule to this Act, unless the landlord of the holding has, previously to the execution of the improvement, consented in writing to the making of the improvement, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise, as may be agreed upon between the landlord and the tenant, and, if any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

Notice to landlord as to improvement in First Schedule, Part II.

3.—(1) Compensation under this Act shall not be payable in respect of any improvement comprised in Part II. of the First Schedule to this Act, unless the tenant of the holding has, not more than three nor less than two months before beginning to execute the improvement, given to the landlord notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and, upon such notice being given, the landlord and the tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed.

(2) If any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

(3) In default of any such agreement, the landlord may, unless the notice of the tenant is previously

withdrawn, execute the improvement in any reasonable and proper manner which he thinks fit, and recover from the tenant as rent a sum not exceeding five per cent. per annum on the outlay incurred, or not exceeding such annual sum payable for a period of twenty-five years as will repay that outlay in that period, with interest at the rate of three per cent. per annum:

Provided that, if the landlord fails to execute the improvement within a reasonable time, the tenant may execute the improvement, and shall, in respect thereof, be entitled to compensation under this Act.

The Minister may by regulation substitute such percentages or period as he thinks fit for the percentages and period mentioned in this subsection, having due regard to the current rates of interest.

(4) The landlord and the tenant may, by the contract of tenancy or otherwise, agree to dispense with any notice under this section, and any such agreement may provide for anything for which an agreement after notice under this section may provide, and in such case shall be of the same validity and effect as such last-mentioned agreement.

Agreements as to improvement in First Schedule, Part III.

4. Where any agreement in writing entered into before the first day of January, nineteen hundred and twenty-one, secures to the tenant of a holding for any improvement comprised in Part III. of the First Schedule to this Act fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall, as respects that improvement, be substituted for compensation under this Act.

Determination of claims to compensation for improvements.

5. If the tenant of a holding claims to be entitled to compensation, whether under this Act, or under custom or agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of the compensation, the difference shall be settled by arbitration.

Right of tenant who has paid compensation to outgoing tenant.

6. Where an incoming tenant of a holding has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, the incoming tenant shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted it at the time at which the incoming tenant quits it.

Provision as to change of tenancy.

7. A tenant who has remained in his holding during two or more tenancies shall not, on quitting his holding, be deprived of his right to claim compensation under this Act in respect of improvements by reason only that the improvements were not made during the tenancy on the termination of which he quits the holding.

Restriction in respect of improvements by tenant about to quit.

8. A tenant of a holding shall not be entitled to compensation under this Act in respect of any improvements, other than manuring as defined by this Act, begun by him,—

(*a*) in the case of a tenant from year to year, within one year before he quits the holding, or at any time after he has given or received notice to quit which results in his quitting the holding; and

(*b*) in any other case, within one year before the termination of the tenancy:

Provided that this section shall not apply in the case of any improvement—

(i) where the tenant, previously to beginning the improvement, has served notice on his landlord of his intention to begin it, and the landlord has either assented or has failed for a month after the receipt of the notice to object to the making of the improvement; or

(ii) in the case of a tenant from year to year, where the tenant has begun the improvement during the last year of his tenancy, and, in pursuance of a notice to quit thereafter given by the landlord, quits his holding at the expiration of that year.

Compensation in respect of increased or diminished value of holding.

Compensation for continuous adoption of special standard or system of farming.

9.—(1) Where a tenant on quitting a holding proves to the satisfaction of an arbitrator appointed under this Act that the value of the holding to an incoming tenant has been increased during the tenancy by the continuous adoption of a standard of farming or a system of farming which has been more beneficial to the holding than the standard or system (if any) required by the contract of tenancy, the arbitrator shall award to the tenant such compensation as in his opinion represents the value to an incoming tenant of the adoption of that standard or system :

Provided that—

(*a*) this section shall not apply in any case unless a record of the condition of the holding has been made under this Act or any enactment repealed by this Act, or in respect of any matter arising before the date of the record so made; and

(*b*) compensation shall not be payable under this section unless the tenant has, before the termination of the tenancy, given notice in writing to the landlord of his intention to claim such compensation; and

(*c*) the arbitrator in assessing the value to an incoming tenant shall make due allowance for any compensation agreed or awarded to be paid to the tenant for any improvement specified in the First Schedule to this Act which has caused or contributed to the benefit.

(2) Nothing in this section shall entitle a tenant to recover in respect of an improvement specified in the First Schedule or the Third Schedule to this Act any compensation which he would not have been entitled to recover if this section had not been passed.

(3) The continuous adoption of such a beneficial standard or system of farming as aforesaid shall be treated as an improvement for the purposes of the

provisions of this Act relating to the determination of the rent properly payable in respect of a holding.

Compensation to landlord for deterioration of holding.

10. Where a landlord proves, to the satisfaction of an arbitrator appointed under this Act, on the termination of the tenancy of a holding, that the value of the holding has been deteriorated during the tenancy by the failure of the tenant to cultivate the holding according to the rules of good husbandry or the terms of the contract of tenancy, the arbitrator shall award to the landlord such compensation as in his opinion represents the deterioration of the holding due to such failure:

Provided that—

(*a*) compensation shall not be payable under this section unless the landlord has, before the termination of the tenancy, given notice in writing to the tenant of his intention to claim such compensation; and

(*b*) nothing in this section shall prevent a landlord from claiming compensation for dilapidations or for the deterioration of the holding under the contract of tenancy.

Compensation for Damage by Game.

Compensation for damage by game.

11.—(1) Where a tenant of a holding has sustained damage to his crops from game, the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall, subject as hereinafter mentioned, be entitled to compensation from his landlord for such damage if it exceeds in amount the sum of one shilling per acre of the area over which the damage extends.

(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing is given to the landlord as soon as may be after the damage was first observed

by the tenant and a reasonable opportunity is given to the landlord to inspect the damage—

(*a*) in the case of damage to a growing crop, before the crop is begun to be reaped, raised, or consumed; and

(*b*) in the case of damage to a crop reaped or raised, before the crop is begun to be removed from the land—

and unless notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(3) Where the landlord proves that, under a contract of tenancy made before the first day of January, nineteen hundred and nine, any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such contract allowance in respect of such damage to an agreed amount was expressly made, the arbitrator shall make such deduction from the compensation which would otherwise be payable under this section as may appear just.

(4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.

(5) For the purposes of this section, the expression "game" means deer, pheasants, partridges, grouse, and black game.

Compensation for Disturbance.

Compensation for disturbance.

12.—(1) Where the tenancy of a holding terminates by reason of a notice to quit given by the landlord, and in consequence of such notice the tenant quits the holding, then, unless the tenant—

(*a*) was not at the date of the notice cultivating the holding according to the rules of good husbandry; or

Minister of Agriculture v. Dean 1924 1 K.B. 857

In re O'Connor and Brown 1933 1 K.B. 20.

(*b*) had, at the date of the notice, failed to comply within a reasonable time with any notice in writing by the landlord served on him requiring him to pay any rent due in respect of the holding or to remedy any breach being a breach which was capable of being remedied of any term or condition of the tenancy consistent with good husbandry; or

Shrewsbury v Leicestershire C.C. 1934 1 K.B. 366.
Dunstan v Benney 1938 2 K.B. 1.

(*c*) had, at the date of the notice, materially prejudiced the interests of the landlord by committing a breach which was not capable of being remedied of any term or condition of the tenancy consistent with good husbandry; or

(*d*) was at the date of the notice a person who had become bankrupt or compounded with his creditors; or

(*e*) has, on or after the first day of January, nineteen hundred and twenty-one, refused, or within a reasonable time failed, to agree to a demand made to him in writing by the landlord for arbitration under this Act as to the rent to be paid for the holding as from the next ensuing date at which the tenancy could have been terminated by notice to quit given by the landlord at the date of the said demand; or

(*f*) had, at the date of the notice, unreasonably refused, or within a reasonable time failed, to comply with a demand made to him in writing by the landlord requiring him to execute at the expense of the landlord an agreement setting out the existing terms of the tenancy;

and unless the notice to quit states that it is given for one or more of the reasons aforesaid, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section:

Turton v. Turnbull 1937 2 K.B. 197.

Provided that—

(i) compensation shall not be payable under this section in any case where the landlord has made to the tenant an offer in writing to withdraw the notice to quit and the tenant has unreasonably refused or failed to accept the offer; and

(ii) this section shall not apply where notice to quit was given on or before the twentieth day of May, nineteen hundred and twenty; and

(iii) where notice to quit was given after that date but before the first day of January, nineteen hundred and twenty-one, this section shall apply whether or not the notice stated the reason or reasons for which it was given.

(2) The landlord of a holding may at any time apply to the agricultural committee for the area in which the holding is situate for a certificate that the tenant is not cultivating the holding according to the rules of good husbandry, and, on any such application being made, the committee, after giving to the landlord and the tenant or their respective representatives an opportunity of being heard, shall, as they think proper, either grant or refuse the certificate within one month after the date of the application.

The landlord or tenant may, within seven days after the notification to him of the refusal or grant by the committee of a certificate, require the question as to whether the holding is being cultivated according to the rules of good husbandry to be referred to an arbitrator who may grant a certificate for the purpose of this subsection or revoke the certificate granted by the committee, and the award of the arbitrator shall be given within twenty-eight days of the date on which the matter is referred to him.

Subject to any such appeal, a certificate granted under this subsection shall be conclusive evidence that the holding is not being cultivated according to the rules of good husbandry.

In the case of a holding situate in a county borough for which an agricultural committee has not been appointed, this subsection shall have effect with the substitution of the Minister for an agricultural committee.

(3) Where the landlord of a holding refuses, or within a reasonable time fails to agree to, a demand made to him in writing by the tenant for arbitration under this Act as to the rent to be paid for the holding as from the next ensuing date at which the tenancy could have been terminated by notice to quit given by the tenant at the date of the said demand, and by

reason of the refusal or failure the tenant exercises his power of terminating the tenancy by a notice stating that it is given for that reason, the tenant shall be entitled to compensation in the same manner as if the tenancy had been terminated by notice to quit given by the landlord:

Provided that such compensation shall not be payable if the circumstances are such that a notice to quit could have been given by the landlord for any of the reasons mentioned in paragraphs (*a*), (*b*), or (*c*) of subsection (1) of this section.

(4) The provisions of this section relating to demands for arbitration as to the rent to be paid for a holding shall not apply where the demand, if made later than six months after the thirty-first day of December, nineteen hundred and twenty, is so made that the increase or reduction of the rent would take effect at some time before the expiration of two years from the commencement of the tenancy of the holding or from the date on which a previous increase or reduction of the rent took effect.

(5) (*a*) Where a demand in writing for an arbitration as to the rent to be paid for the holding has been made for the purposes of this section and has been agreed to, whether in writing or otherwise, the question as to the rent shall be referred to arbitration.

(*b*) An arbitrator, in determining for the purposes of this section what rent is properly payable in respect of a holding, shall not take into account any increase in the rental value which is due to improvements which have been executed thereon so far as they were executed wholly or partly by and at the expense of the tenant without any equivalent allowance or benefit made or given by the landlord in consideration of their execution and have not been executed by him under an obligation imposed by the terms of his contract of tenancy, or fix the rent at a higher amount than would have been properly payable if those improvements had not been so executed, and shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of land or buildings made or permitted by the tenant.

(6) The compensation payable under this section shall be a sum representing such loss or expense directly attributable to the quitting of the holding as the tenant

may unavoidably incur upon or in connection with the sale or removal of his household goods, implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine the amount of the compensation), but for the avoidance of disputes, such sum shall, for the purposes of this Act, be computed at an amount equal to one year's rent of the holding, unless it is proved that the loss and expenses so incurred exceed an amount equal to one year's rent of the holding, in which case the sum recoverable shall be such as represents the whole loss and expenses so incurred up to a maximum amount equal to two years' rent of the holding.

(7) Compensation shall not be payable under this section—

(*a*) in respect of the sale of any goods, implements, fixtures, produce or stock unless the tenant has before the sale given the landlord a reasonable opportunity of making a valuation thereof; or

(*b*) unless the tenant has, not less than one month before the termination of the tenancy, given notice in writing to the landlord of his intention to make a claim for compensation under this section; or

(*c*) where the tenant with whom the contract of tenancy was made has died within three months before the date of the notice to quit; or

(*d*) if in a case in which the tenant under section twenty-seven of this Act accepts a notice to quit part of his holding as a notice to quit the entire holding, the part of the holding affected by the notice given by the landlord, together with any other part of the holding affected by any previous notice given under that section by the landlord to the tenant, is less than one-fourth part of the original holding, or the holding as proposed to be diminished is reasonably capable of being cultivated as a separate holding, except compensation in respect of the part of the holding to which the notice to quit related; or

(*e*) where the holding was let to the tenant by a corporation carrying on a railway, dock, canal, water, or other undertaking, or by a government department or a local authority, and possession of the holding is required by the corporation, department, or authority for the purpose (not being the use of the land for agriculture) for which it was acquired by the corporation, department, or authority, or appropriated under any statutory provision; or

(*f*) in the case of a permanent pasture which the landlord has been in the habit of letting annually for seasonal grazing, and which has, since the fourth day of August, nineteen hundred and fourteen, and before the first day of January, nineteen hundred and twenty-one, been let to a tenant for a definite and limited period for cultivation as arable land, on the condition that the tenant shall, along with the last or waygoing crop, sow permanent grass seeds; or

(*g*) where a written contract of tenancy has been entered into (whether before or after the commencement of this Act) for the letting by the landlord to the tenant of a holding, which at the time of the creation of the tenancy had then been for a period of not less than twelve months in the occupation of the landlord, upon the express terms that if the landlord desires to resume that occupation before the expiration of a specified term not exceeding seven years the landlord should be entitled to give notice to quit without becoming liable to pay to the tenant any compensation for disturbance, and the landlord desires to resume occupation within the specified period, and such notice to quit has been given accordingly.

(8) In any case where a tenant holds two or more holdings, whether from the same landlord or different landlords, and receives notice to quit one or more but not all of the holdings, the compensation for disturbance in respect of the holding or holdings shall be reduced by such amount as is shown to the satisfaction of the arbitrator to represent the reduction (if any) of the loss

attributable to the notice to quit by reason of the continuance in possession by the tenant of the other holding or holdings.

(9) The landlord shall, on an application made in writing after the thirty-first day of December, nineteen hundred and twenty, by the tenant of a holding to whom a notice to quit has been given which does not state the reasons for which it is given, furnish to the tenant within twenty-eight days after the receipt of the application a statement in writing of the reasons for the giving of the notice, and, if he fails unreasonably so to do, compensation shall be payable under this section as if the notice to quit had not been given for a reason specified in subsection (1) of this section.

(10) The expression "holding" in this section shall not include any land which forms part of any park, garden, or pleasure ground attached to and usually occupied with the mansion house, or any land adjoining the mansion house which is required for its protection or amenity, and the compensation for disturbance payable in respect of a notice to quit given in respect of any such land shall be such compensation (if any) as is payable under the provisions of this Act in that behalf.

(11) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled in respect of improvements.

Compensation for disturbance in cases to which s. 12 does not apply.

13.—(1) This section applies only to land (being or forming part of a holding) which is not included in the definition of "holding" for the purposes of section twelve of this Act.

(2) Where the landlord of land to which this section applies, without good and sufficient cause, and for reasons inconsistent with good estate management terminates the tenancy by notice to quit, the tenant upon quitting the land shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, be entitled to compensation for the loss or expense directly attributable to his quitting the land which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods or his implements of husbandry, produce, or farm stock, on or used in connection with the land:

Provided that no compensation under this section shall be payable—

(*a*) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid;

(*b*) unless the tenant has, within two months after he has received notice to quit, given to the landlord notice in writing of his intention to claim compensation under this section;

(*c*) where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit;

(*d*) if the claim for compensation is not made within three months after the time at which the tenant quits the land.

Application of preceding section to cottages on holdings.

14.—(1) Where the occupation of a dwelling-house (including a garden attached thereto) forming part of a holding has been allowed by the tenant of the holding to a workman employed by him in agriculture on the holding, whether the occupation is under a contract of tenancy or not, and the occupation is terminated on account of the termination by the tenant of the holding of the employment of the workman, the provisions of sections twelve and thirteen of this Act shall (subject as hereinafter provided and so far as the same are capable of application) apply as if the dwelling-house (including a garden attached thereto) were a holding and, where there is no contract of tenancy, as if the person allowing the dwelling-house to be so occupied were the landlord and the workman were the tenant, and the notice to terminate the occupation were a notice to quit:

Provided that—

(*a*) compensation shall not be payable under this section if—

(i) the notice to terminate the occupation is given before the expiration of six weeks from the commencement of the occupation; or

(ii) the tenant of the holding has, before giving the notice, obtained from a court of summary jurisdiction for the district in

which the dwelling-house is situate a certificate that the termination of the occupation is necessary or expedient to enable the holding to be worked properly or to better advantage; or

(iii) the employment of the workman is for a year or half-year, and the occupation is terminated at the end of such period; or

(iv) the workman does not cease to occupy the dwelling-house on the expiration of the notice to terminate his occupation thereof or on the expiration of a period of two months from the date when the notice was given whichever is the later; or

(v) the notice is given by reason of the employment of the workman having been terminated on account of his misconduct, and such reason shall be substituted for the reasons specified in subsection (1) of section twelve of this Act; and

(*b*) for the purpose of compensation, the year's rent of the dwelling-house shall be taken to be the sum of seven pounds and sixteen shillings, or if it is shown that that sum exceeds an amount equal to fifty-two times the weekly rental value of the dwelling-house let free from rates, then such last mentioned amount; and

(*c*) subsections (2) and (3) and paragraph (*b*) of subsection (7) of section twelve of this Act shall not apply; and

(*d*) any question as to whether compensation is payable under this section or as to the amount payable shall, on the application of the tenant or workman, be determined by a court of summary jurisdiction for the district in which the dwelling-house is situate, and the court may, in any case in which it appears to the court to be just, direct the payment by the tenant to the workman of a sum in respect of his expenses of appearing before the court, and any sum so directed to be paid shall be recoverable summarily from the tenant as a civil debt.

(2) Where under this section the tenant of a holding seeks to obtain a certificate from a court of summary jurisdiction, the workman shall be entitled to appear before the court and shall, in the event of the certificate being refused, also be entitled to recover from the tenant such sum as the court may direct in respect of any expenses incurred by him in appearing before the court.

Compensation in case of Tenancy under Mortgagor.

Compensation to tenants when mortgagee takes possession.

15. Where a person occupies a holding under a contract of tenancy with a mortgagor, which is not binding on the mortgagee, then—

(1) the occupier shall, as against the mortgagee who takes possession, be entitled to any compensation which is, or would but for the mortgagee taking possession be, due to the occupier from the mortgagor as respects crops, improvements, tillages, or other matters connected with the holding, whether under this Act or custom or an agreement authorised by this Act;

(2) if the contract of tenancy is for a tenancy from year to year or for a term of years, not exceeding twenty-one, at a rackrent, the mortgagee shall, before he deprives the occupier of possession otherwise than in accordance with the contract of tenancy, give to the occupier six months' notice in writing of his intention so to do, and, if he so deprives him, compensation shall be due to the occupier for his crops, and for any expenditure upon the land which he has made in the expectation of remaining in the holding for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived;

(3) any sum ascertained to be due to the occupier for compensation, or for any costs connected therewith, may be set off against any rent or other sum due from him in respect of the holding, but unless so set off shall, as against the mortgagee, be charged and recovered in accordance with the provisions of this Act relating to the recovery of compensation due from a landlord who is a trustee.

Arbitration.

Matters to be referred to arbitration.

The King v Powell 1925 1 K.B. 641

Harrison v Railway 133 L.T. 238

Lowther v Cliff. ord 1927 1 K.B. 130.

16.—(1) Any question or difference arising out of any claim by the tenant of a holding against the landlord for compensation payable under this Act, or for any sums claimed to be due to the tenant from the landlord for any breach of contract or otherwise in respect of the holding, or out of any claim by the landlord against the tenant for waste wrongly committed or permitted by the tenant, or for any breach of contract or otherwise in respect of the holding, and any other question or difference of any kind whatsoever between the landlord and the tenant of the holding arising out of the termination of the tenancy of the holding or arising, whether during the tenancy or on the termination thereof, as to the construction of the contract of tenancy, and any other question which under this Act is referred to arbitration shall be determined, notwithstanding any agreement under the contract of tenancy or otherwise providing for a different method of arbitration, by a single arbitrator in accordance with the provisions set out in the Second Schedule to this Act.

(2) Any such claim as is mentioned in this section shall cease to be enforceable after the expiration of two months from the termination of the tenancy unless particulars thereof have been given by the landlord to the tenant or by the tenant to the landlord, as the case may be, before the expiration of that period:

Provided that, where a tenant lawfully remains in occupation of part of a holding after the termination of the tenancy, particulars of a claim relating to that part of the holding may be given within two months from the termination of the occupation.

(3) Where a claim for compensation under this Act has been referred to arbitration, and the compensation payable under an agreement is by this Act to be substituted for compensation under this Act, such compensation as is to be so substituted shall be awarded in respect of any improvements provided for by the agreement.

(4) If in any arbitration under this Act the arbitrator states a case for the opinion of the county court on any question of law, the opinion of the court on any question so stated shall be final unless within the time and in accordance with the conditions prescribed by Rules of

the Supreme Court either party appeals to the court of appeal, from whose decision no appeal shall lie.

(5) The Arbitration Act, 1889, shall not apply to any arbitration under this Act. 52 & 53 Vict. c. 49.

(6) This section shall not apply in the case of a tenancy which terminated before the first day of January, nineteen hundred and twenty-one.

Provisions for expediting and reducing costs of arbitrations.

17.—(1) Subject as hereinafter provided, the Minister may by rules make such provision (not being inconsistent with the rules contained in the Second Schedule to this Act) as he thinks desirable for expediting, or reducing the costs of, proceedings on arbitrations under this Act.

(2) On an arbitration under this Act the arbitrator—

(*a*) shall state separately in his award the amounts awarded in respect of the several claims referred to him; and

(*b*) may, if he thinks fit, make an interim award for the payment of any sum on account of the sum to be finally awarded.

(3) A rule made under this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which that House has sat next after any such rule is laid before it praying that the rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Determination of claims for compensation where a holding is divided.

18.—(1) Where a holding has become vested in more than one person in several parts and the rent payable by the tenant of the holding has not been apportioned with his consent or under any statute, the tenant shall be entitled to require that any compensation payable to him under this Act shall be determined as if the holding had not been divided, and the arbitrator shall, where necessary, apportion the amount awarded between the persons who for the purposes of this Act together constitute the landlord of the holding, and any additional costs of the award caused by the apportionment shall be directed by the arbitrator to be paid by those persons in such proportions as he shall determine.

(2) This section shall not apply in the case of a tenancy which terminated before the first day of January, nineteen hundred and twenty-one.

Recovery of compensation and other sums due.

19. Where any sum agreed or awarded under this Act to be paid for compensation costs or otherwise by a landlord or tenant of a holding is not paid within fourteen days after the time when the payment becomes due, it shall, subject as in this Act provided, be recoverable upon order made by the county court as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Charge on Holding for Compensation.

Power for landlord on paying compensation to obtain charge.

20.—(1) A landlord, on paying to the tenant the amount due to him under this Act, or under custom or agreement, or otherwise, in respect of compensation for an improvement comprised in the First Schedule to this Act or in respect of compensation for disturbance, or on expending after notice given in accordance with this Act such amount as may be necessary to execute an improvement comprised in Part II. of the First Schedule to this Act, shall be entitled to obtain from the Minister an order in favour of himself, his executors, administrators, and assigns, charging the holding, or any part thereof, with repayment of the amount paid or expended, and of all costs properly incurred by him in obtaining the charge, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Minister thinks fit.

(2) Where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, in the opinion of the Minister, have become exhausted.

(3) Where the estate or interest of a landlord is determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, that estate or interest shall not be determined or forfeited by reason of his obtaining a charge under this Act, anything in any deed, will, or other instrument to the contrary thereof notwithstanding.

(4) The sum charged shall be a charge on the holding, or the part thereof charged, for the landlord's interest therein and for all interests therein subsequent to that of the landlord; but so that, in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns.

(5) Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made under this section, or any like charge made under any repealed enactment, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge, and may assign any charge so acquired by them.

(6) Where a charge may be made under this section for compensation due under an award, the person making the award shall, at the request and cost of the person entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

(7) A charge made under this section shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888, as amended by any subsequent enactment, and may be registered accordingly. 51 & 52 Vict. c. 51.

Capital Money applicable for Compensation.

21. Capital money arising under the Settled Lands Acts, 1882 to 1890, may be applied— Capital money applicable for compensation.

(1) in payment as for an improvement authorised by those Acts of any money expended and costs incurred by a landlord under or in pursuance of this Act or any enactment hereby repealed, or under custom or agreement or otherwise, in or about the execution of any improvement comprised in Part I. or Part II. of the First Schedule to this Act; and

Repealed by the Settled Land Act 1925

See now s. 73 (1) (ii) of that act

(2) in discharge of any charge in respect of any such improvement created on a holding under this

Act or any like charge made under any repealed enactment as if the charge were an incumbrance authorised by those Acts to be discharged out of that capital money.

Fixtures and Buildings.

Tenant's property in fixtures and buildings.

22.—(1) Any engine, machinery, fencing, or other fixture affixed to a holding by a tenant, and any building erected by him thereon for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy:

Provided that—

(i) before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding:

(ii) in the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding:

(iii) immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal:

(iv) the tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of his intention to remove it:

(v) at any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay to the tenant the fair value thereof to an incoming tenant of the holding.

(2) The provisions of this section shall apply to a fixture or building acquired since the thirty-first day of December, nineteen hundred, by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant, but shall not apply to any fixture or building affixed or erected before the first day of January, eighteen hundred and eighty-four.

Extension of Tenancies under Leases.

Extension of tenancies under leases for a term of years.

23.—(1) In the case of a tenancy of a holding for a term of two years or upwards, the tenancy shall not terminate on the expiration of the term for which it was granted, unless not less than one year nor more than two years before the date fixed for the expiration of the term a written notice has been given by either party to the other of his intention to terminate the tenancy, and any notice so given shall be deemed to be a notice to quit for the purposes of this Act.

(2) If no such notice is given, the tenancy shall, as from the expiration of the term for which it was granted, continue as a tenancy from year to year, but otherwise so far as applicable on the terms of the original tenancy.

(3) This section shall not apply to any tenancy granted, or agreed to be granted, before the first day of January, nineteen hundred and twenty-one.

(4) In any case to which this section shall apply, it shall apply notwithstanding any agreement to the contrary.

Extension of tenancies determined by death.

24.—(1) Where the tenancy of any holding held by a tenant at a rackrent determines by the death or cesser of the estate of any landlord entitled for his life, or for any other uncertain interest, instead of claims to emblements, the tenant shall continue to hold and occupy the holding until the occupation is determined by a twelve months' notice to quit expiring at the end of a year of the tenancy, and shall then quit upon the terms of his tenancy in the same manner as if the tenancy were then determined by effluxion of time or other lawful means during the continuance of his landlord's estate.

(2) The succeeding landlord shall be entitled to recover from the tenant, in the same manner as his predecessor could have done, a fair proportion of the rent

for the period which may have elapsed from the date of the death or cesser of the estate of such predecessor to the time of the tenant so quitting.

(3) The succeeding landlord and the tenant respectively shall as between themselves and as against each other be entitled to all the benefits and advantages and be subject to the terms, conditions and restrictions to which the preceding landlord and such tenant respectively would have been entitled and subject in case the tenancy had determined in manner aforesaid at the expiration of the said twelve months' notice.

Miscellaneous Rights of Landlord and Tenant.

Notices to quit.

25.—(1) Notwithstanding any provision in a contract of tenancy to the contrary, a notice to quit a holding shall be invalid if it purports to terminate the tenancy before the expiration of twelve months from the end of the then current year of tenancy; but nothing in this section shall extend to a case where a receiving order in bankruptcy is made against the tenant.

(2) This section shall not apply to—

(*a*) any notice given by or on behalf of the Admiralty, War Department, or Air Council under the provisions of any agreement of tenancy where possession of the land is required for naval, military, or air force purposes; or

(*b*) any notice given by a corporation carrying on a railway, dock, canal, water, or other undertaking in respect of any land acquired by the corporation for the purposes of their undertaking or by a government department or local authority where possession of the land is required by the corporation, government department or authority for the purpose (not being the use of the land for agriculture) for which it was acquired by the corporation, department, or authority or appropriated under any statutory provision; or

(*c*) any notice given in pursuance of a provision in the contract of tenancy authorising the resumption of possession of the holding or

some part thereof for some specified purpose, unless that purpose is the use of the land for agriculture; or

(*d*) any notice given by a tenant to a sub-tenant; or

(*e*) any notice given before the first day of January, nineteen hundred and twenty-one.

Restriction of notices to quit.

26.—(1) On the making of any contract for sale of a holding or any part of a holding held by a tenant from year to year any then current and unexpired notice to determine the tenancy of the holding given to the tenant either before or after the commencement of this Act shall, if the contract for sale is made by the person by whom the notice to quit was given, be null and void unless the tenant has, after the nineteenth day of August, nineteen hundred and nineteen, and prior to such contract of sale, by writing, agreed that such notice shall be valid.

(2) This section shall not apply to a contract for sale to a government department or local authority for the purpose of providing small holdings or allotments, or for any other public purpose made before the twentieth day of August, nineteen hundred and twenty-two.

Resumption of possession of part of holding by landlord.

27.—(1) Where a notice to quit is given by the landlord of a holding to a tenant from year to year with a view to the use of land for any of the following purposes :—

(i) The erection of farm labourers' cottages or other houses with or without gardens;

(ii) The provision of gardens for farm labourers' cottages or other houses;

(iii) The provision of allotments;

(iv) The provision of small holdings as defined by the Small Holdings and Allotments Acts, 1908 to 1919;

(v) The planting of trees;

(vi) The opening or working of any coal, ironstone, limestone, brick earth, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connection therewith;

(vii) The making of a watercourse or reservoir;

(viii) The making of any road, railway, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice states that it is given with a view to any such use—

(*a*) it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding; and

(*b*) the provisions of this Act respecting compensation shall apply as if the part to which the notice relates were a separate holding; and

(*c*) the tenant shall be entitled to a reduction of rent proportionate to the part to which the notice relates, and in respect of any depreciation of the value to him of the residue of the holding caused by the severance, or by the use to be made of the part severed, and the amount of that reduction shall be settled as in case of compensation under this Act:

Provided that the tenant may, at any time within twenty-eight days after service of the notice to quit, serve on the landlord a notice in writing to the effect that he accepts it as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

(2) Where the landlord of a holding gives notice, in pursuance of a provision in that behalf contained in the contract of tenancy, of his intention to resume possession of some part of the holding, the provisions of paragraphs (*b*) and (*c*) of subsection (1) of this section (but not including the proviso thereto) shall apply as if the notice were such a notice to quit as is mentioned in that subsection:

Provided that, in assessing the compensation payable to the tenant and the reduction of rent, the arbitrator shall take into consideration any benefit or relief allowed to the tenant under the contract of tenancy in respect of any land resumed in pursuance of such provision.

Power of entry by landlord.

28. The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of viewing the state of the holding.

Penal rents and liquidated damages.

29. Notwithstanding any provision in a contract of tenancy making the tenant of a holding liable to pay a higher rent or other liquidated damages in the event of any breach or non-fulfilment of a term or condition in the contract, a landlord shall not be entitled to recover, by distress or otherwise, any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment:

Provided that this section shall not apply to any term or condition in a contract against the breaking up of permanent pasture, the grubbing of underwoods, or the felling, cutting, lopping, or injuring of trees, or regulating the burning of heather.

Freedom of cropping and disposal of produce.

30.—(1) Notwithstanding any custom of the country, or the provisions of any contract of tenancy or agreement respecting the method of cropping of arable lands, or the disposal of crops, a tenant of a holding shall have full right to practise any system of cropping of the arable land on the holding and to dispose of the produce of the holding without incurring any penalty, forfeiture, or liability:

Provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration, which provision shall, in the case of disposal of the produce of the holding, consist in the return to the holding of the full equivalent manurial value to the holding of all crops sold off or removed from the holding in contravention of the custom, contract, or agreement:

This subsection shall not apply—

(*a*) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or

(*b*) in any other case, as respects the year before the termination of the tenancy.

(2) If the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall, without prejudice to any other remedy which may be open to him, be entitled to recover damages in respect of such injury or deterioration at any time, and, should the case so require, to obtain an injunction restraining the exercise of the rights under this section in that manner.

(3) A tenant shall not be entitled to any compensation in respect of improvements comprised in Part III. of the First Schedule to this Act which have been made for the purpose of making such provision to protect the holding from injury or deterioration as is required by this section.

(4) In this section the expression "arable land" shall not include land in grass which by the terms of any contract of tenancy is to be retained in the same condition throughout the tenancy.

Prohibition of removal of manure, &c., after notice to terminate the tenancy.

31. Where notice to terminate the tenancy of a holding is given, either by the tenant or by the landlord, the tenant shall not, subject to any agreement to the contrary, at any time after the date of the notice, sell or remove from the holding any manure or compost, or any hay or straw or roots grown in the last year of the tenancy, unless and until he has given the landlord or incoming tenant a reasonable opportunity of agreeing to purchase on the termination of the tenancy at their fair market value, or at such other value as is provided by the contract of tenancy, the said manure, compost, hay, straw, or roots.

Record of holding.

32. If the landlord or tenant of a holding at any time during the tenancy so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches and cultivation of the holding, and, if so required by the tenant, a record of any existing improvements executed by the tenant or for which the tenant has with the written consent of his landlord paid compensation to an outgoing tenant and of any fixtures or buildings which under section twenty-two of this Act the tenant is entitled to remove, shall be made by a person to be

appointed in default of agreement by the Minister, and in default of agreement the cost of making any such record shall be borne by the landlord and tenant in equal shares.

Extension of meaning of "holding."

33.—(1) Where the land comprised in a contract of tenancy is not a holding within the meaning of this Act by reason only of the fact that the land so comprised includes land (hereinafter referred to as "the non-statutory land") which, owing to the nature of the buildings thereon or the use to which it is put, would not, if it had been separately let, be a holding within the meaning of this Act, the provisions of this Act relating to compensation for improvements and disturbance shall, unless otherwise agreed in writing, apply to the part of the land exclusive of the non-statutory land as if that part were a separate holding.

(2) This section shall not apply in relation to a contract of tenancy made before the first day of January, nineteen hundred and twenty-one.

Distress.

Limitation of distress in respect of amount and time.

34. It shall not be lawful for a landlord entitled to the rent of a holding to distrain for rent which became due in respect of that holding more than one year before the making of the distress:

Provided that, where it appears that according to the ordinary course of dealing between the landlord and the tenant of the holding the payment of rent has been deferred until the expiration of a quarter or half-year after the date at which the rent legally became due, the rent shall, for the purpose of this section, be deemed to have become due at the expiration of that quarter or half-year, and not at the date at which it legally became due.

Limitation of distress in respect of things to be distrained.

35.—(1) Where live stock belonging to another person has been taken in by the tenant of a holding to be fed at a fair price, the stock shall not be distrained by the landlord for rent where there is other sufficient distress to be found, and, if so distrained by reason of other sufficient distress not being found, there shall not be recovered by that distress a sum exceeding the amount of the price agreed to be paid for the feeding, or any part thereof which remains unpaid.

(2) The owner of the stock may, at any time before it is sold, redeem the stock by paying to the distrainer a sum equal to such amount as aforesaid, and any payment so made to the distrainer shall be in full discharge as against the tenant of any sum of the like amount which would be otherwise due from the owner of the stock to the tenant in respect of the price of feeding.

(3) Any portion of the stock so long as it remains on the holding shall continue liable to be distrained for the amount for which the whole of the stock is distrainable.

(4) Agricultural or other machinery which is the property of a person other than the tenant, and is on the holding under an agreement with the tenant for the hire or use thereof in the conduct of his business, and live stock which is the property of a person other than the tenant and is on the holding solely for breeding purposes, shall not be distrained for rent.

Remedy for wrongful distress.

36.—(1) Where any dispute arises—

(*a*) in respect of any distress having been levied on a holding contrary to the provisions of this Act; or

(*b*) as to the ownership of any live stock distrained, or as to the price to be paid for the feeding of that stock; or

(*c*) as to any other matter or thing relating to a distress on a holding;

the dispute may be heard and determined by the county court or by a court of summary jurisdiction, and any such court may make an order for restoration of any live stock or things unlawfully distrained, or may declare the price agreed to be paid for feeding, or may make any other order which justice requires.

(2) Any such dispute shall be deemed to be a matter in which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts; but any person aggrieved by any decision of a court of summary jurisdiction under this section may appeal to a court of quarter sessions.

Set-off of compensation against rent.

37. Where the compensation for disturbance or for any improvement due under this Act or any enactment repealed by this Act, or under custom or agreement, to a tenant of a holding has been ascertained before the

landlord distrains for rent, the amount of the compensation may be set off against the rent, and the landlord shall not be entitled to distrain for more than the balance.

Persons under Disability, Trustees, &c.

Appointment of guardian.

38. Where a landlord or a tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court on the application of any person interested may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may revoke the appointment and appoint another guardian if and as occasion requires.

Provisions respecting married women. 45 & 46 Vict. c. 75.

39. Where a woman married before the commencement of the Married Women's Property Act, 1882, is entitled to land her title to which accrued before that commencement, then—

(*a*) if she is entitled to the land for her separate use and is not restrained from anticipation, she shall, for the purposes of this Act, be in respect of the land as if she were a feme sole; and

(*b*) in any other case her husband's concurrence shall be requisite, and she shall, for the purposes of this Act, be examined apart from him by the county court, or by the judge of the county court for the place where she is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

Provisions as to limited owners.

40. Subject to the provisions of this Act in relation to Crown, Duchy, Ecclesiastical, and Charity lands, a landlord of a holding, whatever may be his estate or interest in the holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act, which he might give or make or do or have done to him if he were owner in fee simple or, if his interest is an interest in a leasehold, were absolutely entitled to that leasehold.

Recovery of compensation, &c.

41. Where any sum agreed or awarded to be paid for compensation, or any sum awarded under this Act to be paid by a landlord, is due from a landlord entitled

from trustee.

to receive the rents and profits of the holding otherwise than for his own benefit, whether as trustee or in any other character, the sum due shall be charged and recovered as follows and not otherwise (that is to say) :—

(i) The amount so due shall not be recoverable personally against the landlord, nor shall he be under any liability to pay that amount, but it shall be a charge on and recoverable against the holding only:

(ii) The landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the Minister a charge on the holding to the amount of the sum which is required to be paid or which has been paid, as the case may be, to the tenant:

(iii) If the landlord neglects or fails to pay to the tenant the amount due to him for one month after it has become due, the tenant shall be entitled to obtain from the Minister a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge:

(iv) Charges under this section shall be made in like manner as other charges under this Act.

Estimation of best rent.

42. In estimating the best rent, or reservation in the nature of rent, of a holding for the purposes of any Act of Parliament, deed, or other instrument, authorising a lease to be made, provided that the best rent, or reservation in the nature of rent, is reserved, it shall not be necessary to take into account against the tenant any increase in the value of the holding arising from any improvements made or paid for by the tenant.

Crown and Duchy Lands.

Application to Crown lands.

43.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown.

(2) With respect to any such land, for the purposes of this Act, the Commissioners of Woods, or other the proper officer or body having charge of the land for the time being, or, in case there is no such officer or body, then such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty, and shall be deemed to be the landlord.

(3) The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the cost of certain improvements to be charged to capital and repaid out of income), shall extend to any compensation under this Act payable by the Commissioners of Woods in respect of an improvement comprised in Part I. or Part II. of the First Schedule to this Act. 29 & 30 Vict. c. 62.

(4) Any compensation under this Act payable by those Commissioners, in respect of an improvement comprised in Part III. of the First Schedule hereto, shall be paid as part of the expenses of the management of the Land Revenues of the Crown.

Application to land of Duchy of Lancaster.

44.—(1) This Act shall apply to land belonging to His Majesty in right of the Duchy of Lancaster.

(2) With respect to any such land for the purposes of this Act, the Chancellor of the Duchy shall represent His Majesty, and shall be deemed to be the landlord.

(3) The amount of any compensation under this Act payable by the Chancellor of the Duchy in respect of an improvement comprised in Part I. or Part II. of the First Schedule to this Act shall be raised and paid as an expense incurred in improvement of land belonging to His Majesty in right of the Duchy within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven.

(4) The amount of any compensation under this Act payable by the Chancellor of the Duchy in respect of an improvement comprised in Part III. of the First Schedule to this Act shall be paid out of the annual revenues of the Duchy.

Application to land of Duchy of Cornwall.

45.—(1) This Act shall apply to land belonging to the Duchy of Cornwall.

(2) With respect to any such land, for the purposes of this Act, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, shall represent the Duke of Cornwall or other the possessor aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

(3) Any compensation under this Act payable by the Duke of Cornwall, or other the possessor aforesaid,

in respect of an improvement comprised in Part I. or Part II. of the First Schedule to this Act, shall be paid, and advances therefor made, in the manner and subject to the provisions of section eight of the Duchy of Cornwall Management Act, 1863, with respect to improvements of land mentioned in that section.

26 & 27 Vict. c. 49.

Ecclesiastical and Charity Lands.

Application to ecclesiastical land.

46.—(1) Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord in respect of charging land shall not be exercised by the bishop in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners.

(2) Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord in respect of charging land shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person or authority who, in case the benefice were vacant, would be entitled to present thereto, or of Queen Anne's Bounty.

(3) Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him in respect of any improvement comprised in the First Schedule to this Act; and thereupon they may, instead of the incumbent, obtain from the Minister a charge on the holding in respect thereof in favour of themselves, and every such charge shall be effectual notwithstanding any change of the incumbent.

Application to charity land.

47. The powers by this Act conferred on a landlord in respect of charging land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the approval in writing of the Charity Commissioners or the Board of Education, as the case may require.

Special Provisions as to Market Gardens.

Special provisions as to

48.—(1) In the case of a holding in respect of which it is agreed by an agreement in writing made on or after

the first day of January, eighteen hundred and ninety-six, that the holding shall be let or treated as a market garden— market gardens.

(i) the provisions of this Act shall apply as if the improvements comprised in the Third Schedule to this Act were comprised in Part III. of the First Schedule to this Act:

Provided that—

(*a*) in the case of Crown lands, compensation in respect of an improvement comprised in paragraphs (1) (2) and (5) of the said Third Schedule shall be paid in the same manner and out of the same funds as if it were an improvement comprised in Part I. of the said First Schedule; and

(*b*) in the case of Duchy lands, compensation in respect of any improvement comprised in the said Third Schedule shall be paid in the same manner and out of the same funds as if it were comprised in Part I. of the said First Schedule;

(*c*) the right of an incoming tenant to claim compensation in respect of the whole or part of an improvement which he has purchased may be exercised although his landlord has not consented in writing to the purchase:

(ii) The provisions of this Act relating to tenants' property in fixtures and buildings shall extend to every fixture or building affixed or erected by the tenant to or upon the holding, or acquired by him since the thirty-first day of December, nineteen hundred, for the purposes of his trade or business as a market gardener:

(iii) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but if the tenant does not remove such fruit trees and fruit bushes before the termination of his tenancy, they shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

(2) Where under a contract of tenancy current on the first day of January, eighteen hundred and ninety-six, a holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof had then executed thereon, without having received previously to the execution thereof any written notice of dissent by the landlord, any improvement comprised in the Third Schedule to this Act, the provisions of this section shall apply, in respect of that holding, as if it had been agreed in writing after that date that the holding should be let or treated as a market garden, so however that the improvements in respect of which compensation is payable under those provisions as so applied shall include improvements executed before as well as improvements executed after that date.

(3) Where the land to which such agreement relates, or so used and cultivated, consists of part of a holding only, this section shall apply as if that part were a separate holding.

Further provision as to market gardens.

49.—(1) Subject to the provisions of this section, where a tenant desires to make on his holding or any part of his holding any improvement comprised in the Third Schedule to this Act and the landlord refuses, or within a reasonable time fails, to agree in writing that the holding or that part of the holding shall be treated as a market garden, the agricultural committee for the area in which the holding is situate may, on the application of the tenant and after hearing the landlord or his representative, and after being satisfied that the holding or part of the holding is suitable for the purposes of market gardening, direct that the last preceding section of this Act shall, either in respect of all the improvements comprised in the said Third Schedule or in respect of some only of those improvements, apply to the holding or to that part thereof, and the said section shall apply accordingly as respects any improvements executed after the date on which the direction is given:

Provided that nothing in this subsection shall authorise the breaking up of meadow land or pasture.

Any direction given by an agricultural committee under this subsection shall be subject to such conditions, if any, for the protection of the landlord, as the committee may think fit to attach to the direction, and, where any

such direction is given, the following provisions shall have effect:—

(*a*) If the tenancy is terminated by notice to quit given by the tenant or by reason of the tenant becoming bankrupt or compounding with his creditors, the tenant shall not be entitled to compensation in respect of any such improvements as are specified in the direction unless the tenant not later than one month after the date on which the notice to quit is given or the date of the bankruptcy or composition, as the case may be, or such later date as may be agreed, produces to the landlord an offer in writing by a substantial and otherwise suitable person (being an offer which is to hold good for a period of three months from the date on which it is produced), to accept a tenancy of the holding from the termination of the existing tenancy thereof, and on the terms and conditions of that tenancy so far as applicable, and, subject as hereinafter provided, to pay to the outgoing tenant all compensation payable under this Act or under the contract of tenancy, and the landlord fails to accept the offer within three months after the production thereof; and

(*b*) If the landlord accepts any such offer, the incoming tenant shall pay to the landlord on demand all sums payable to him by the outgoing tenant on the termination of the tenancy in respect of rent or breach of contract or otherwise in respect of the holding, and any amount so paid may, subject to any agreement between the outgoing tenant and incoming tenant, be deducted by the incoming tenant from any compensation payable by him to the outgoing tenant; and

(*c*) If the direction relates to part only of the holding the direction may, on the application of the landlord, be given subject to the condition that the tenant shall consent to the division of the holding into two parts (one such part being the part to which the direction relates) to be held at rents agreed by the landlord and tenant or in default of agreement settled by the com-

mittee, but otherwise on the same terms and conditions as the original holding, so far as applicable.

(2) A new tenancy created by the acceptance of a tenant in accordance with the provisions of this section on the terms and conditions of the existing tenancy shall not be deemed to be a new tenancy for the purposes of the provisions of this Act relating to demands for arbitration as to rent.

(3) The powers under this section of an agricultural committee may, in the case of a holding situate in a county borough for which an agricultural committee has not been appointed, be exercised by the Minister.

(4) In the exercise of their powers under this section the agricultural committee and the Minister shall have regard to the likelihood of the land being required for any purpose other than agriculture.

(5) If in any case a landlord or tenant by notice in writing given to the other party shall so require, the powers which under this section may be exercised by a committee shall in that case be exercised by an arbitrator appointed and acting under and in accordance with the provisions of this Act.

(6) Where any agreement in writing secures to the tenant of a holding for any improvement to which the provisions of the last preceding section of this Act apply, or are directed under this section to apply, fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall, as respects that improvement, be substituted for compensation under this Act.

Supplemental Provisions.

Avoidance of contract inconsistent with Act.

50. Subject to the provisions of this Act, any contract (whether under seal or not) made by a tenant of a holding, by virtue of which his right to claim compensation under this Act is taken away or limited, shall to that extent be void.

Exclusion of certiorari.

51. An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.

Costs in county court.

52.—(1) The costs of proceedings in the county court under this Act shall be in the discretion of the court.

(2) The Lord Chancellor may prescribe scales of costs for those proceedings, and of costs to be taxed by the registrar of the court.

Service of notice, &c.

53. Any notice, request, demand, or other instrument under this Act may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and in the case of a notice to a landlord "the person to whom it is to be given" shall include any agent of the landlord duly authorised in that behalf.

General saving of rights.

54. Except as in this Act expressed, nothing in this Act shall prejudicially affect any power, right, or remedy of a landlord, tenant, or other person vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvements, deteriorations, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe rent-charge, rent, or other thing.

Improvements executed under repealed enactments. 8 Edw. 7. c. 28.

55. The compensation in respect of an improvement made before the first day of January, nineteen hundred and nine (being the date of the commencement of the Agricultural Holdings Act, 1908), or made upon a holding held under a contract of tenancy, other than a tenancy from year to year, current on the first day of January, eighteen hundred and eighty-four, shall be such (if any) as could have been claimed if this Act had not been passed, but the procedure for the ascertainment and recovery thereof shall be such as is provided by this Act, and the amount so ascertained shall be payable, recoverable, and chargeable as if it were compensation under this Act.

Special provisions as to holdings being allotments. 12 & 13 Geo. 5. c. 51.

56.—(1) Nothing in this Act shall affect the operation of the Allotments Act, 1922, save that subsection (6) of section twenty-two of that Act shall cease to have effect.

(2) In the case of any holding to which this Act applies consisting of a parcel of land, whether attached to a cottage or not, of not more than two acres in extent held by a tenant under a landlord and cultivated as a

farm or garden, or partly as a garden and partly as a farm, this Act shall have effect as if the provisions of section six of the Allotments Act, 1922, as to determination and recovery of compensation were substituted for the provisions of this Act as to the determination and recovery of compensation.

Interpretation.

57.—(1) In this Act, unless the context otherwise requires,—

"Contract of tenancy" means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year:

"Termination" in relation to any tenancy means the cesser of the contract of tenancy by reason of effluxion of time, or from any other cause:

Bradshaw v Bull 1920 3 K.B. 144; Richards v Pryce 1927 2 K.B. 76

"Landlord" means any person for the time being entitled to receive the rents and profits of any land:

"Tenant" means the holder of land under a contract of tenancy, and includes the executors, administrators, assigns, guardian, committee of the estate, or trustee in bankruptcy, of a tenant, or other person deriving title from a tenant:

"Holding" does not include an allotment garden or include any land cultivated as a garden unless it is cultivated wholly or mainly for the purpose of the trade or business of market gardening, but, except as aforesaid, means any parcel of land held by a tenant, which is either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or in whole or in part cultivated as a market garden, and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord:

"Allotment garden" means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family:

Saunders-Jacob v. Estes 1933 1 K.B. 392, 1933 2 K.B. 240.

"Market garden" means a holding cultivated, wholly or mainly, for the purpose of the trade or business of market gardening:

"County court," in relation to a holding, means the county court within the district whereof the holding, or the larger part thereof, is situate:

"Live stock" includes any animal capable of being distrained:

"Manuring" means any of the improvements numbered twenty-five, twenty-six, and twenty-seven in Part III. of the First Schedule to this Act:

"Agreement" includes an agreement arrived at by means of valuation or otherwise, and "agreed" has a corresponding meaning:

"The Minister" means the Minister of Agriculture and Fisheries:

"Agricultural committee" means the agricultural committee established for a county or borough under the Ministry of Agriculture and Fisheries Act, 1919, or, where the powers of an agricultural committee with respect to the matter in question have been delegated to a sub-committee, that sub-committee: 9 & 10 Geo. 5. c. 91.

"Rules of good husbandry" means (due regard being had to the character of the holding) so far as is practicable having regard to its character and position—

(*a*) the maintenance of the land (whether arable, meadow, or pasture), clean and in a good state of cultivation and fertility, and in good condition; and

(*b*) the maintenance and clearing of drains, embankments, and ditches; and

(*c*) the maintenance and proper repair of fences, stone walls, gates, and hedges; and

(*d*) the execution of repairs to buildings, being repairs which are necessary for the proper cultivation and working of the land on which they are to be executed; and

(*e*) such rules of good husbandry as are generally recognised as applying to holdings of the same character and in the same neighbourhood as the holding in respect of which the expression is to be applied:

Provided that the foregoing definition shall not imply an obligation on the part of any person to maintain or clear drains, embankments, or ditches, if and so far as the execution of the works required is rendered impossible (except at prohibitive or unreasonable expense) by reason of subsidence of any land or the blocking of outfalls which are not under the control of that person, or in its application to land in the occupation of a tenant imply an obligation on the part of the tenant—

(i) to maintain or clear drains, embankments, or ditches, or to maintain or properly repair fences, stone walls, gates, or hedges where such work is not required to be done by him under his contract of tenancy; or

(ii) to execute repairs to buildings which are not required to be executed by him under his contract of tenancy.

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation.

(3) References to the terms, conditions, or requirements of a contract of tenancy of or of an agreement relating to a holding shall be construed as including references to any obligations, conditions, or liabilities implied by the custom of the country in respect of the holding. *For subsection (4) see Corrigendum ante p. 78*

Commencement, short title, and repeal.

58.—(1) This Act shall come into operation at the expiration of one month after the passing thereof.

(2) This Act may be cited as the Agricultural Holdings Act, 1923.

(3) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the Third Column of that Schedule:

Provided that (without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with respect to the effect of repeals):—

52 & 53 Vict. c. 63.

(*a*) all orders, regulations, rules, appointments, scales of costs, charges, directions, certificates, and instruments made or issued and notices and

consents given and having effect under any enactment hereby repealed shall have effect as if they had been made or given under this Act; and

(*b*) references in any conveyance, lease, or other document to any enactment so repealed shall have effect as if they had been references to corresponding provisions of this Act.

SCHEDULES.

Sections 1, 2, 3, 4, 5, 9, 20, 21, 30, 43, 44, 45, 46, 48, 57.

FIRST SCHEDULE.

Part I.

Improvements to which Consent of Landlord is required.

1908 1stSch. 1920 1stSch.

(1) Erection, alteration, or enlargement of buildings.
(2) Formation of silos.
(3) Laying down of permanent pasture.
(4) Making and planting of osier beds.
(5) Making of water meadows or works of irrigation.
(6) Making of gardens.
(7) Making or improvement of roads or bridges.
(8) Making or improvement of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.
(9) Making or removal of permanent fences.
(10) Planting of hops.
(11) Planting of orchards or fruit bushes.
(12) Protecting young fruit trees.
(13) Reclaiming of waste land.
(14) Warping or weiring of land.
(15) Embankments and sluices against floods.
(16) Erection of wirework in hop gardens.
(17) Provision of permanent sheep-dipping accommodation.
(18) In the case of arable land the removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation.

[N.B.—*This part is subject as to market gardens to the provisions of the Third Schedule.*]

PART II.

IMPROVEMENT IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

(19) Drainage.

PART III.

IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF OR NOTICE TO LANDLORD IS NOT REQUIRED.

(20) Chalking of land.

(21) Clay-burning.

(22) Claying of land or spreading blaes upon land.

(23) Liming of land.

(24) Marling of land.

(25) Application to land of purchased artificial or other purchased manure.

(26) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(27) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(28) Laying down temporary pasture with clover, grass, lucerne, sain-foin, or other seeds, sown more than two years prior to the termination of the tenancy in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.

(29) Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute :

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

SECOND SCHEDULE.

Sections 16, 17.

RULES AS TO ARBITRATION.

Appointment of Arbitrator.

1. A person agreed upon between the parties, or in default of agreement nominated by the Minister on the application in writing of either of the parties, shall be appointed arbitrator.

2. If a person appointed arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.

3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.

4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.

5. Such number of persons as may be appointed by the Lord Chief Justice of England shall form a panel of persons from whom any arbitrator nominated, otherwise than by agreement, for the purposes of an arbitration under and in accordance with the provisions of this schedule shall be selected.

The remuneration of an arbitrator so nominated as aforesaid shall be such amount as is fixed by the Minister, and the remuneration of an arbitrator appointed by the parties to any such arbitration shall, in default of agreement between those parties and the arbitrator, be such amount as on the application of the arbitrator or either of the parties is fixed by the registrar of the county court, subject to appeal to the judge of the court.

The remuneration of an arbitrator when agreed or fixed under this rule shall be recoverable by the arbitrator as a debt due from either of the parties to the arbitration, and any amount paid in respect of the remuneration of the arbitrator by either of those parties in excess of the amount (if any) directed by the award to be paid by him in respect of the costs of the award shall be recoverable from the other party to the arbitration.

An arbitrator nominated otherwise than by agreement for an arbitration relating to a holding in Wales or Monmouthshire shall be a person who possesses a knowledge of Welsh agricultural conditions and, if either party to the arbitration so requires, a knowledge also of the Welsh language.

Time for Award.

6. Except where otherwise expressly provided in this Act, the arbitrator shall make and sign his award within twenty-eight days of his appointment or within such longer

period as the Minister may (whether the time for making the award has expired or not) direct.

Removal of Arbitrator.

7. Where an arbitrator has misconducted himself the county court may remove him.

Evidence.

8. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively, which may be required or called for, and do all other things which during the proceedings the arbitrator may require.

9. The arbitrator shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbitrator thinks fit, be examined on oath or affirmation.

Statement of Case.

Stevens v Fenners 1926 N. N. 168

10. The arbitrator may at any stage of the proceedings, and shall if so directed by the judge of the county court (which direction may be given on the application of either party), state in the form of a special case for the opinion of that court any question of law arising in the course of the arbitration.

Award.

11. The arbitrator shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not later than one month after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Minister.

12. The award to be made by the arbitrator shall be final and binding on the parties and the persons claiming under them respectively.

13. The arbitrator may correct in an award any clerical mistake or error arising from any accidental slip or omission.

14. Where an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside.

Costs.

15. The costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner these costs or any part thereof are to be paid, and the costs shall be subject to taxation by the registrar of the county court on the application of either party, but that taxation shall be subject to review by the judge of the county court.

16. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

Forms.

17. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Minister shall, if used, be sufficient.

THIRD SCHEDULE.

Sections 9, 48, 49.

IMPROVEMENTS SUBJECT TO SPECIAL PROVISIONS IN THE CASE OF MARKET GARDENS.

(1) Planting of standard or other fruit trees permanently set out.

(2) Planting of fruit bushes permanently set out.

(3) Planting of strawberry plants.

(4) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years.

(5) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

Section 58.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 28	The Agricultural Holdings Act, 1908.	The whole Act.
2 & 3 Geo. 5. c. 21.	The Agricultural Holdings Act, 1913.	The whole Act.
9 & 10 Geo. 5. c. 63.	The Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919.	The whole Act.
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920	The whole of Part II. of the Act except section eleven; section thirty-three, except the definition of "agricultural committee"; and the First Schedule.
11 & 12 Geo. 5. c. 17.	The Agriculture (Amendment) Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	Section five.
12 & 13 Geo. 5. c. 51.	The Allotments Act, 1922	Subsection (6) of section twenty-two.

CHAPTER 10.

An Act to consolidate the Enactments relating to Agricultural Holdings in Scotland.

[7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Compensation for Improvements on Holdings.

Right of tenant to compensation for improvements.

1.—(1) Where a tenant of a holding has made thereon any improvement comprised in the First Schedule to this Act, he shall, subject as in this Act mentioned, and, in a case where the lease was entered into on or after the first day of January, nineteen hundred and twenty-one, then, whether the improvement was or was not an improvement which he was required to make by the terms of his tenancy, be entitled, at the termination of the tenancy, on quitting his holding, to obtain from the landlord, as compensation for the improvement, such sum as fairly represents the value of the improvement to an incoming tenant.

(2) In the ascertainment of the amount of the compensation payable to a tenant under this section there shall be taken into account—

(*a*) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement whether expressly stated in the lease to be so given or allowed or not; and

(*b*) as respects manuring as defined by this Act, the value of the manure required by the lease or by custom to be returned to the holding in respect of any crops grown on and sold off or removed from the holding within the last two

years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(3) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

Consent of landlord as to improvement in First Schedule, Part I.

2. Compensation under this Act shall not be payable in respect of any improvement comprised in Part I. of the First Schedule hereto, unless the landlord of the holding has, previously to the execution of the improvement, consented in writing to the making of the improvement, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise as may be agreed upon between the landlord and the tenant, and, if any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

Notice to landlord as to improvement in First Schedule, Part II.

3.—(1) Compensation under this Act shall not be payable in respect of any improvement comprised in Part II. of the First Schedule hereto, unless the tenant of the holding has, not more than three nor less than two months before beginning to execute the improvement, given to the landlord notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and upon such notice being given, the landlord and the tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed.

(2) If any such agreement is made, any compensation payable under the agreement shall be substituted for compensation under this Act.

(3) Or instead of making any such agreement the landlord may undertake to execute the improvement himself and, unless the notice of the tenant is previously withdrawn, proceed to do so in any reasonable and proper manner which he thinks fit, and recover from the tenant as rent a sum not exceeding five per centum per annum

on the outlay incurred, or not exceeding such annual sum payable for a period of twenty-five years as will repay that outlay in that period, with interest at the rate of three per centum per annum :

Provided that—

(*a*) the Board may by regulation substitute such percentages or period as they think fit for the percentages and period mentioned in this subsection, having due regard to the current rates of interest; and

(*b*) in default of any such agreement or undertaking or in the event of the landlord failing to execute the improvement within a reasonable time, the tenant may execute the improvement, and shall in respect thereof be entitled to compensation under this Act.

(4) The landlord and the tenant may by the lease or otherwise agree to dispense with any notice under this section, and any such agreement may provide for anything for which an agreement after notice under this section may provide, and in such case shall be of the same validity and effect as such last-mentioned agreement.

Agreements as to improvement in First Schedule, Part III.

4. Where any agreement in writing entered into before the first day of January, nineteen hundred and twenty-one, secures to the tenant of a holding, for any improvement comprised in Part III. of the First Schedule hereto, fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall as respects that improvement be substituted for compensation under this Act.

Further provisions as to improvements. [1920, s. 15 (3)–(7). 1920, s. 27. S.R.O. 1922.]

5.—(1) Subject to the provisions of this section, where a tenant desires to make on his holding or any part of his holding any improvement comprised in the Third Schedule to this Act and the landlord refuses, or within a reasonable time fails, to agree in writing that the holding or that part of the holding shall be treated as a market garden, the Board may, on the application of the tenant and after hearing the landlord or his representative, and after being satisfied that the holding or part of the holding

is suitable for the purposes of market gardening, direct that section forty-two of this Act shall, either in respect of all the improvements comprised in the said Third Schedule or in respect of some only of those improvements, apply to the holding or to that part thereof, and the said section shall apply accordingly as respects any improvements executed after the date on which the direction is given:

Provided that nothing in this subsection shall authorise the breaking up of meadow land or pasture.

Any direction given by the Board under this subsection shall be subject to such conditions, if any, for the protection of the landlord, as the Board may think fit to attach to the direction, and, where any such direction is given, the following provisions shall have effect:—

(*a*) If the tenancy is terminated by notice to quit given by the tenant or by reason of the tenant becoming notour bankrupt or executing a trust deed for behoof of his creditors, the tenant shall not be entitled to compensation in respect of any such improvements as are specified in the direction unless the tenant not later than one month after the date on which the notice to quit is given or the date of the bankruptcy or execution of the trust deed, as the case may be, or such later date as may be agreed, produces to the landlord an offer in writing by a substantial and otherwise suitable person (being an offer which is to hold good for a period of three months from the date on which it is produced), to accept a tenancy of the holding from the termination of the existing tenancy thereof, and on the terms and conditions of that tenancy so far as applicable, and, subject as hereinafter provided, to pay to the outgoing tenant all compensation payable under this Act, or under the lease, and the landlord fails to accept the offer within three months after the production thereof; and

(*b*) If the landlord accepts any such offer, the incoming tenant shall pay to the landlord on demand all sums payable to him by the outgoing tenant on the termination of the tenancy in

respect of rent or breach of contract or otherwise in respect of the holding, and any amount so paid may, subject to any agreement between the outgoing tenant and incoming tenant, be deducted by the incoming tenant from any compensation payable by him to the outgoing tenant; and

(*c*) If the direction relates to part only of the holding, the direction may, on the application of the landlord, be given subject to the condition that the tenant shall consent to the division of the holding into two parts (one such part being the part to which the direction relates) to be held at rents agreed by the landlord and tenant or in default of agreement settled by the Board, but otherwise on the same terms and conditions as the original holding, so far as applicable.

(2) A new tenancy created by the acceptance of a tenant in accordance with the provisions of this section on the terms and conditions of the existing tenancy shall not be deemed to be a new tenancy for the purposes of the provisions of this Act relating to demands for arbitration as to rent.

(3) In the exercise of their powers under this section, the Board shall have regard to the likelihood of the land being required for any purpose other than agriculture.

(4) If in any case a landlord or tenant by notice in writing given to the other party shall so require, the powers which under this section may be exercised by the Board shall in that case be exercised by an arbiter appointed and acting under and in accordance with the provisions of this Act.

(5) Where any agreement in writing secures to the tenant of a holding for any improvement to which the provisions of section forty-two of this Act apply, or are directed under this section to apply, fair and reasonable compensation, having regard to the circumstances existing at the time of making the agreement, the compensation so secured shall as respects that improvement be substituted for compensation under this Act.

Determination of claims to compensation.

6.—(1) If the tenant of a holding claims to be entitled to compensation, whether under this Act or under custom or agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of the compensation, the difference shall be settled by arbitration.

(2) Where a claim for compensation under this Act has been referred to arbitration, and the compensation payable under an agreement is by this Act to be substituted for compensation under this Act, such compensation as is to be so substituted shall be awarded in respect of any improvement provided for by the agreement.

Right of tenant who has paid compensation to outgoing tenant.

7. Where an incoming tenant of a holding has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, the incoming tenant shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted it at the time at which the incoming tenant quits it.

Provision as to change of tenancy.

8. A tenant who has remained in his holding during two or more tenancies shall not, on quitting his holding, be deprived of his right to claim compensation under this Act in respect of improvements by reason only that the improvements were not made during the tenancy on the termination of which he quits the holding.

COMPENSATION IN RESPECT OF INCREASED OR DIMINISHED VALUE OF HOLDING.

Compensation for continuous adoption of special standard or system of farming.

9.—(1) Where a tenant on quitting a holding proves to the satisfaction of an arbiter appointed under this Act that the value of the holding to an incoming tenant has been increased during the tenancy by the continuous adoption of a standard of farming or a system of farming which has been more beneficial to the holding than the

standard or system (if any) required by the lease, the arbiter shall award to the tenant such compensation as in his opinion represents the value to an incoming tenant of the adoption of that standard or system:

Provided that—

(*a*) This section shall not apply in any case unless a record of the condition of the holding has been made under this Act or any Act by this Act repealed or in respect of any matter arising before the date of the record so made; and

(*b*) Compensation shall not be payable under this section unless the tenant has, before the termination of the tenancy, given notice in writing to the landlord of his intention to claim such compensation; and

(*c*) The arbiter in assessing the value to an incoming tenant shall make due allowance for any compensation agreed or awarded to be paid to the tenant for any improvement specified in the First Schedule to this Act which has caused or contributed to the benefit.

(2) Nothing in this section shall entitle a tenant to recover in respect of an improvement specified in the First Schedule or the Third Schedule to this Act any compensation which he would not have been entitled to recover if this section had not been passed.

(3) The continuous adoption of such a beneficial standard or system of farming as aforesaid shall be treated as an improvement for the purposes of the provisions of this Act relating to the determination of the rent properly payable in respect of a holding.

Compensation to landlord for deterioration of holding.

10. Where a landlord proves, to the satisfaction of an arbiter appointed under this Act, on the termination of the tenancy of a holding, that the value of the holding has been deteriorated during the tenancy by the failure of the tenant to cultivate the holding according to the rules of good husbandry or the terms of the lease, the arbiter shall award to the landlord such compensation

as in his opinion represents the deterioration of the holding due to such failure:

Provided that compensation shall not be payable under this section unless the landlord has, before termination of the tenancy, given notice in writing to the tenant of his intention to claim such compensation:

Provided also that nothing in this section shall prevent a landlord from claiming compensation for dilapidations or for the deterioration of the holding under the lease.

COMPENSATION FOR DAMAGE BY GAME.

Compensation for damage by game.

11.—(1) Where a tenant of a holding has sustained damage to his crops from game, the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall, subject as herein-after mentioned, be entitled to compensation from his landlord for such damage if it exceeds in amount the sum of one shilling per acre of the area over which the damage extends.

(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing is given to the landlord as soon as may be after the damage was first observed by the tenant, and a reasonable opportunity is given to the landlord to inspect the damage—

(*a*) in the case of damage to a growing crop, before the crop is begun to be reaped, raised, or consumed; and

(*b*) in the case of damage to a crop reaped or raised, before it is begun to be removed from the land—

and unless notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(3) Where the landlord proves that, under a lease made before the first day of January, nineteen hundred and nine, any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such lease allowance in respect of such damage to an agreed amount was expressly made, the arbiter shall make such deduction from the compensation which would otherwise be payable under this section as may appear just.

(4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.

(5) For the purposes of this section, the expression "game" means deer, pheasants, partridges, grouse, and black game.

COMPENSATION FOR DISTURBANCE.

Compensation for disturbance.

12.—(1) Where the tenancy of a holding terminates by reason of a notice to quit given by the landlord, and in consequence of such notice the tenant quits the holding, then, unless the tenant—

(*a*) was not at the date of the notice cultivating the holding according to the rules of good husbandry; or

(*b*) had, at the date of the notice, failed to comply within a reasonable time with any notice in writing by the landlord served on him requiring him to pay any rent due in respect of the holding or to remedy any breach, being a breach which was capable of being remedied, of any term or condition of the tenancy consistent with good husbandry; or

(*c*) had, at the date of the notice, materially prejudiced the interests of the landlord by committing a breach which was not capable of being remedied of any term or condition of the tenancy consistent with good husbandry; or

(*d*) was at the date of the notice a person who had become notour bankrupt or executed a trust deed for behoof of his creditors; or

(*e*) has, after the thirty-first day of December, nineteen hundred and twenty, refused, or within a reasonable time failed, to agree to a demand made to him in writing by the landlord for arbitration as to the rent to be paid for the holding as from the next ensuing date at which the tenancy could have been terminated by notice to quit given by the landlord at the date of the said demand; or

(*f*) had, at the date of the notice, unreasonably refused, or within a reasonable time failed, to comply with a demand made to him in writing by the landlord requiring him to execute at the expense of the landlord an agreement setting out the existing terms of the tenancy;

and unless the notice to quit states that it is given for one or more of the reasons aforesaid, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section:

Provided that—

(i) compensation shall not be payable under this section in any case where the landlord has made to the tenant an offer in writing to withdraw the notice to quit and the tenant has unreasonably refused or failed to accept the offer; and

(ii) this section shall not apply where notice to quit was given on or before the twentieth day of May nineteen hundred and twenty; and

(iii) where notice to quit was given after that date but before the first day of January, nineteen hundred and twenty-one, this section shall apply whether or not the notice stated the reason or reasons for which it was given.

(2) The landlord of a holding may at any time apply to the Board for a certificate that the tenant is not cultivating the holding according to the rules of good husbandry, and, on any such application being made, the Board, after giving to the landlord and the tenant or their respective representatives an opportunity of being heard, shall, as they think proper, either grant or refuse

the certificate within one month after the date of the application.

The landlord or tenant may, within seven days after the notification to him of the refusal or grant by the Board of a certificate, require the question as to whether the holding is being cultivated according to the rules of good husbandry to be referred to an arbiter who may grant a certificate for the purpose of this subsection or revoke the certificate granted by the Board, and the award of the arbiter shall be given within twenty-eight days of the date on which the matter is referred to him.

Subject to any such appeal, a certificate granted under this subsection shall be conclusive evidence that the holding is not being cultivated according to the rules of good husbandry.

(3) Where the landlord of a holding refuses, or within a reasonable time fails to agree to, a demand made to him in writing by the tenant for arbitration as to the rent to be paid for the holding as from the next ensuing date at which the tenancy could have been terminated by notice to quit given by the tenant at the date of the said demand, and by reason of the refusal or failure the tenant exercises his power of terminating the tenancy by a notice stating that it is given for that reason, the tenant shall be entitled to compensation in the same manner as if the tenancy had been terminated by notice to quit given by the landlord. Provided that such compensation shall not be payable if the circumstances are such that a notice to quit could have been given by the landlord for any of the reasons mentioned in paragraphs (*a*), (*b*), or (*c*) of subsection (1) of this section.

(4) The provisions of this section relating to demands for arbitration as to the rent to be paid for a holding shall not apply where the demand, if made later than six months after the thirty-first day of December, nineteen hundred and twenty, is so made that the increase or reduction of the rent would take effect at some time before the expiration of five years from the commencement of the tenancy of the holding or from the date on which a previous increase or reduction of the rent took effect.

(5)—(*a*) Where a demand in writing for arbitration as to the rent to be paid for a holding has been made for the purposes of this section, and has been agreed to, whether in writing or otherwise, the question as to the rent shall be referred to arbitration.

(*b*) An arbiter, in determining for the purposes of this section what rent is properly payable in respect of a holding, shall not take into account any increase in the rental value which is due to improvements which have been executed thereon so far as they were executed wholly or partly by and at the expense of the tenant without any equivalent allowance or benefit made or given by the landlord in consideration of their execution and have not been executed by him under an obligation imposed by the terms of his lease, or fix the rent at a higher amount than would have been properly payable if those improvements had not been so executed, and shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of land or buildings made or permitted by the tenant.

(6) The compensation payable under this section shall be a sum representing such loss or expense directly attributable to the quitting of the holding as the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods, implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine the amount of the compensation), but for the avoidance of disputes such sum shall, for the purposes of this Act, be computed at an amount equal to one year's rent of the holding, unless it is proved that the loss and expenses so incurred exceed an amount equal to one year's rent of the holding, in which case the sum recoverable shall be such as represents the whole loss and expenses so incurred up to a maximum amount equal to two years' rent of the holding.

In this subsection the expression "rent" means the rent after deduction of such an amount as the arbiter, failing agreement, may find to be equivalent to the amount

(if any) annually payable by the landlord in respect of the holding by way of—

(*a*) any public rates, taxes, or assessments which in England are by law a charge on the occupiers of lands; or

(*b*) any public rates or taxes or other public burdens the like whereof are not chargeable on lands in England.

(7) Compensation shall not be payable under this section—

(*a*) in respect of the sale of any goods, implements, fixtures, produce or stock unless the tenant has before the sale given the landlord a reasonable opportunity of making a valuation thereof; or

(*b*) unless the tenant has, not less than one month before the termination of the tenancy, given notice in writing to the landlord of his intention to make a claim for compensation under this section; or

(*c*) where the tenant with whom the lease was entered into has died within three months before the date of the notice to quit; or

(*d*) if in a case in which the tenant under section thirty of this Act accepts a notice to quit part of his holding as a notice to quit the entire holding, the part of the holding affected by the notice given by the landlord, together with any other part of the holding affected by any previous notice given under that section by the landlord to the tenant, is less than one-fourth part of the original holding, or the holding as proposed to be diminished is reasonably capable of being cultivated as a separate holding, except compensation in respect of the part of the holding to which the notice to quit related; or

(*e*) where the holding was let to the tenant by a corporation carrying on a railway, dock, canal, water, or other undertaking, or by a government department or a local authority, and possession of the holding is required by the corporation, department, or authority for the purpose (not being the use of the land for agriculture) for

which it was acquired by the corporation, department, or authority, or appropriated under any statutory provision; or

(*f*) in the case of a permanent pasture which the landlord has been in the habit of letting annually for seasonal grazing, and which has since the fourth day of August, nineteen hundred and fourteen, and before the first day of January, nineteen hundred and twenty-one, been let to a tenant for a definite and limited period for cultivation as arable land, on the condition that the tenant shall, along with the last or waygoing crop, sow permanent grass seeds; or

(*g*) where a written lease has been entered into (whether before or after the commencement of this Act), for the letting by the landlord to the tenant of a holding, which at the time of the creation of the tenancy had then been for a period of not less than twelve months in the occupation of the landlord, upon the express terms that if the landlord desires to resume that occupation before the expiration of a specified term not exceeding seven years the landlord should be entitled to give notice to quit without becoming liable to pay to the tenant any compensation for disturbance, and the landlord desires to resume occupation within the specified period, and such notice to quit has been given accordingly.

(8) In any case where a tenant holds two or more holdings, whether from the same landlord or different landlords, and receives notice to quit one or more but not all of the holdings, the compensation for disturbance in respect of the holding or holdings shall be reduced by such amount as is shown to the satisfaction of the arbiter to represent the reduction (if any) of the loss attributable to the notice to quit by reason of the continuance in possession by the tenant of the other holding or holdings.

(9) The landlord shall, on an application made in writing after the thirty-first day of December, nineteen hundred and twenty, by the tenant of a holding to whom a notice to quit has been given which does not state the reasons for which it is given, furnish to the tenant within twenty-eight days after the receipt of the application a

statement in writing of the reasons for the giving of the notice, and, if he fails unreasonably so to do, compensation shall be payable under this section as if the notice to quit had not been given for a reason specified in subsection (1) of this section.

(10) The expression "holding" in this section shall not include any land which forms part of any park, garden, or pleasure ground attached to and usually occupied with the mansion house, or any land adjoining the mansion house which is required for its protection or amenity, or any permanent grass park held for the purposes of a business or calling not primarily agricultural or pastoral, including that of butcher, cattle-dealer, and the like, and the compensation for disturbance payable in respect of a notice to quit given in respect of any such land or grass park shall be such compensation (if any) as is payable under the provisions of section thirteen of this Act.

(11) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled in respect of improvements.

Compensation for disturbance in cases to which s. 12 does not apply.

13.—(1) This section applies only to any land or grass park being or forming part of a holding which is not included in the definition of holding for the purposes of section twelve of this Act.

(2) Where the landlord of any land or grass park to which this section applies, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates the tenancy by notice to quit, the tenant upon quitting the land or grass park shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, be entitled to compensation for the loss or expense directly attributable to his quitting the land or grass park which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods, or his implements of husbandry, produce, or farm stock, on or used in connection with the land or grass park:

Provided that no compensation under this section shall be payable—

(*a*) unless the tenant has given to the landlord a reasonable opportunity of making a valuation

of such goods, implements, produce and stock as aforesaid;

(*b*) unless the tenant has, within two months after he has received notice to quit, given to the landlord notice in writing of his intention to claim compensation under this section;

(*c*) where the tenant with whom a lease was entered into has died within three months before the date of the notice to quit;

(*d*) if the claim for compensation is not made within three months after the time at which the tenant quits the land or grass park.

Application of Act to cottages on holdings.

14. Where the occupation of a dwelling-house (including a garden attached thereto) forming part of a holding has been allowed by the tenant of the holding to a workman employed by him in agriculture on the holding, whether the occupation is under a lease or not, and the occupation is terminated on account of the termination by the tenant of the holding of the employment of the workman, the provisions of this Act as to compensation for disturbance in the case of a holding shall (subject as hereinafter provided and so far as the same are capable of application) apply as if the dwelling-house (including a garden attached thereto) were a holding and, where there is no lease, as if the person allowing the dwelling-house to be so occupied were the landlord and the workman were the tenant, and the notice to terminate the occupation were a notice to quit:

Provided that—

(1) compensation shall not be payable under this section if—

(*a*) the notice to terminate the occupation is given before the expiration of six weeks from the commencement of the occupation; or

(*b*) the tenant of the holding has, before giving the notice, obtained from the sheriff court for the district in which the dwelling-house is situate a certificate that the termination of the occupation is necessary or expedient to enable the holding to be worked properly or to better advantage; or

(*c*) the employment of the workman is for a year or half-year, and the occupation is terminated at the end of such period; or

(*d*) the workman does not cease to occupy the dwelling-house on the expiration of the notice to terminate his occupation thereof or on the expiration of a period of two months from the date when the notice was given whichever is the later; or

(*e*) the notice is given by reason of the employment of the workman having been terminated on account of his misconduct, and such reason shall be substituted for the reasons specified in subsection (1) of section twelve of this Act; and

(2) for the purpose of compensation the year's rent of the dwelling-house shall be taken to be the sum of seven pounds and sixteen shillings, or, if it is shown that that sum exceeds an amount equal to fifty-two times the weekly rental value of the dwelling-house let free from rates, then such last-mentioned amount; and

(3) subsections (2) and (3) and paragraph (*b*) of subsection (7) of section twelve of this Act shall not apply; and

(4) any question as to whether compensation is payable under this section or as to the amount payable shall, on the application of the tenant or workman, be determined by the sheriff court for the district in which the dwelling-house is situate, and the court may, in any case in which it appears to the court to be just, direct the payment by the tenant to the workman of a sum in respect of his expenses of appearing before the court, and any sum so directed to be paid shall be recoverable summarily from the tenant as a civil debt:

Provided also that, where under paragraph (*b*) of this section the tenant of a holding seeks to obtain a certificate from the sheriff court the workman shall be entitled to appear before the court, and shall, in the event of the certificate being refused, also be entitled to recover from the tenant such sum as the court may direct in respect of any expenses incurred by him in appearing before it.

ARBITRATION.

Matters to be referred to arbitration.

15.—(1) Any question or difference arising out of any claim by the tenant of a holding against the landlord for compensation payable under this Act or any Act by this Act repealed or for any sums claimed to be due to the tenant from the landlord for any breach of contract or otherwise in respect of the holding, or out of any claim by the landlord against the tenant for waste wrongly committed or permitted by the tenant or for any breach of contract or otherwise in respect of the holding, and any other question or difference of any kind whatsoever between the landlord and the tenant of the holding arising out of the termination of the tenancy of the holding or arising, whether during the tenancy or on the termination thereof, as to the construction of the lease shall be determined by arbitration.

(2) Any such claim as is mentioned in this section shall cease to be enforceable after the expiration of two months from the termination of the tenancy unless particulars thereof have been given by the landlord to the tenant or by the tenant to the landlord, as the case may be, before the expiration of that period:

Provided that, where a tenant lawfully remains in occupation of part of a holding after the termination of the tenancy, particulars of a claim relating to that part of the holding may be given within two months from the termination of the occupation.

(3) This section shall not apply in the case of a tenancy which terminated before the first day of January, nineteen hundred and twenty-one.

Procedure in arbitrations.

16.—(1) All questions which under this Act or under the lease are referred to arbitration shall, whether the matter to which the arbitration relates arose before or after the passing of this Act, be determined, notwithstanding any agreement under the lease or otherwise providing for a different method of arbitration, by a single arbiter in accordance with the provisions set out in the Second Schedule to this Act.

(2) If in any arbitration under this Act the arbiter states a case for the opinion of the sheriff on any question of law, the opinion of the sheriff on any question so stated shall be final, unless within the time and in accordance with the conditions prescribed by act of sederunt either

party appeals to either division of the Court of Session, from whose decision no appeal shall lie.

(3) The Arbitration (Scotland) Act, 1894, shall not apply to any arbitration under this Act. 57 & 58 Vict. c. 13.

(4) Any person who wilfully and corruptly gives false evidence before an arbiter or oversman in any arbitration under this Act shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

(5) This section and the immediately preceding section shall not apply to valuations of sheep stocks, dung, fallow, straw, crops, fences, and other specific things the property of an out-going tenant, agreed under a lease to be taken over from him at the termination of a tenancy by the landlord or incoming tenant, or to any questions which it may be necessary to determine in order to ascertain the sum to be paid in pursuance of such agreement, and that whether such valuations and questions are referred to arbitration under the lease or not.

Constitution of panel of arbiters and provision as to arbiters' remuneration.

17.—(1) Such number of persons as may be appointed by the Lord President of the Court of Session, shall form a panel of persons from whom any arbiter nominated, otherwise than by agreement, for the purposes of an arbitration under and in accordance with the provisions of the Second Schedule to this Act shall be selected.

(2) The remuneration of an arbiter so nominated as aforesaid shall be such amount as is fixed by the Board, and the remuneration of an arbiter appointed by the parties to any such arbitration shall, in default of agreement between those parties and the arbiter, be such amount as on the application of the arbiter or either of the parties is fixed by the auditor of the sheriff court, subject to appeal to the judge of the court.

(3) The remuneration of an arbiter, when agreed or fixed under this section, shall be recoverable by the arbiter as a debt due from either of the parties to the arbitration, and any amount paid in respect of the remuneration of the arbiter by either of those parties in excess of the amount (if any) directed by the award to be paid by him in respect of the expenses of the award shall be recoverable from the other party to the arbitration.

(4) This section shall not apply as respects any arbiter nominated or appointed before the first day of January, nineteen hundred and twenty-one.

Provisions for expediting and reducing costs of arbitrations.

18.—(1) Subject as hereinafter provided, the Board may by rules make such provision (not being inconsistent with the rules contained in the Second Schedule to this Act) as they think desirable for expediting, or reducing the expenses of, proceedings on arbitrations under this Act.

(2) On an arbitration under this Act the arbiter—

(*a*) shall state separately in his award the amounts awarded in respect of the several claims referred to him; and

(*b*) may, if he thinks fit, make an interim award for the payment of any sum on account of the sum to be finally awarded.

(3) A rule made under this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which that House has sat next after any such rule is laid before it praying that the rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Determination of claims for compensation where a holding is divided.

19.—(1) Where a holding has become vested in more than one person in several parts and the rent payable by the tenant of the holding has not been apportioned with his consent or under any statute, the tenant shall be entitled to require that any compensation payable to him under this Act shall be determined as if the holding had not been divided, and the arbiter shall, where necessary, apportion the amount awarded between the persons who for the purposes of this Act together constitute the landlord of the holding, and any additional expenses of the award caused by the apportionment shall be directed by the arbiter to be paid by those persons in such proportions as he shall determine.

(2) This section shall not apply in the case of a tenancy which terminated before the first day of January, nineteen hundred and twenty-one.

Recovery of compensation and other sums due.

20. Any award or agreement under this Act as to compensation expenses or otherwise may, if any sum payable thereunder is not paid within one month after it becomes due, be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

CHARGE ON HOLDING FOR COMPENSATION.

Power for landlord on paying compensation to obtain charge.

21.—(1) A landlord, on paying to the tenant the amount due to him under this Act, or under custom or agreement, or otherwise in respect of compensation for an improvement comprised in the First Schedule hereto, or in respect of compensation for disturbance, or on his defraying himself the cost of improvements proposed to be executed by the tenant, shall be entitled to obtain from the Board an authority to charge, in favour of himself, his executors, administrators, and assignees, the holding or the estate of which it forms part by executing and registering in the register of sasines,—

(i) if the landlord has a leasehold interest in the holding, an assignation of the lease in security and for repayment of the amount paid or any part thereof, and of the expense of executing and registering the same, with such interest and by such instalments as the Board may determine; and

(ii) in any other case, a bond and disposition in security over the holding or the estate of which it forms part for repayment of the amount paid or any part thereof, and of the expense of executing and registering the same, with such interest and by such instalments as the Board may determine.

(2) Where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall, by such bond and disposition in security or assignation, be made payable after the time when the improvement in respect whereof compensation is paid will, in the judgment of the Board, have become exhausted, and such bond and disposition in security or assignation shall specify the times at which the total amount charged and each instalment thereof is to be payable.

(3) Any charge under this section shall rank after all prior charges and burdens heritably secured upon the holding or estate.

(4) Where a holding or estate is charged by the landlord under this section, the charge shall not be deemed to be a contravention of any prohibition against charging or burdening contained in the deed or instrument under which the holding or estate is held by the landlord.

(5) The price of any entailed land sold under the provisions of the Entail Acts, when such price is entailed estate within the meaning of those Acts, may be applied by the landlord in respect of the remaining portion of the entailed estate, or in respect of any other estate belonging to him and entailed upon the same series of heirs, in payment of any expenditure and expenses incurred by him in pursuance of this Act for executing or paying compensation for any improvement mentioned in Part I. or Part II. of the First Schedule hereto, or in discharge of any charge with which the estate is burdened in pursuance of this Act or of any enactment hereby repealed in respect of the improvement.

Incidence of charge.

22. The sum charged by the order of the Board under this Act shall be a charge on the holding, or the estate of which it forms part, for the landlord's interest therein and for all interests therein subsequent to that of the landlord ; but so that, in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assignees.

Advance made by a company.

23. Any company now or hereafter incorporated by Parliament or incorporated under the Companies Acts, 1908 to 1917, and having power to advance money for the improvement of land, or for the cultivation and farming of land, may make an advance of money upon a bond and disposition in security or upon an assignation, as the case may be, executed upon the authority of the Board under this Act, or executed under any enactment hereby repealed, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge ; and that company may assign any charge so acquired by them to any person or persons whomsoever.

Certificate as to charges.

24. Where a charge may be made under this Act for compensation, the person making the award shall, at the request and cost of the person entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

Removing for Non-payment of Rent.

Removal of tenants.

25. In any case in which the landlord's right of hypothec for the rent has ceased and determined—

(1) When six months rent of the holding is due and unpaid, it shall be lawful for the landlord to raise an action of removing before the sheriff against the tenant, concluding for his removal from the holding at the term of Whitsunday or Martinmas next ensuing after the action is brought, and, unless the arrears of rent then due are paid or caution is found to the satisfaction of the sheriff for the same, and for one year's rent further, the sheriff may decern the tenant to remove, and eject him at such term in the same manner as if the lease were determined, and the tenant had been legally warned to remove:

(2) A tenant so removed shall have the rights of an outgoing tenant to which he would have been entitled if his lease had naturally expired at such term of Whitsunday or Martinmas:

(3) The provisions of section five of the Act of sederunt anent removing of the fourteenth day of December, seventeen hundred and fifty-six, shall not apply in any case in which the procedure under this section is competent.

Notice of Termination of Tenancy.

Notice of termination of tenancy.

26.—(1) Notwithstanding the expiration of the stipulated endurance of any lease, the tenancy shall not come to an end unless written notice has been given by either party to the other of his intention to bring the tenancy to an end—

(*a*) in the case of—

(i) leases for three years and upwards entered into before the twenty-fourth day of December, nineteen hundred and twenty, and

(ii) leases for two years and upwards entered into on or after the said date,

not less than one year nor more than two years before the termination of the lease; and

(*b*) in the case of—

(i) leases from year to year or for any other period less than three years entered into before the twenty-fourth day of December, nineteen hundred and twenty, and

(ii) leases from year to year or for any other period less than two years entered into on or after the said date,

not less than six months before the termination of the lease.

(2) Failing such notice by either party, the lease shall be held to be renewed by tacit relocation for another year and thereafter from year to year, and in the case of any lease so renewed the period of notice required to terminate the tenancy shall, where the notice is given after the thirty-first day of May, nineteen hundred and twenty-one, be not less than one year nor more than two years.

7 Edw. 7. c. 51.

(3) (*a*) The provisions of the Sheriff Courts (Scotland) Act, 1907, relating to removings shall, in the case of any holding to which this section applies, have effect subject to the provisions of this section.

(*b*) Notice by the landlord to the tenant under this section shall be given either in the same manner as notice of removal under section six of the Removal Terms (Scotland) Act, 1886, or in the form and manner prescribed by the Sheriff Courts (Scotland) Act, 1907, and shall come in place of the notice required by the last-mentioned Act.

49 & 50 Vict. c. 50.

(4) Nothing in this section shall affect the right of a landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1913, or who by failure to pay rent or otherwise has incurred any irritancy of his lease or other liability to be removed.

3 & 4 Geo. 5. c. 20.

(5) The provisions of this section relative to notice shall not apply to any stipulation in a lease entitling the landlord to resume land for building, planting, feuing, or other purposes, or to subjects let for any period less than a year.

RESTRICTION OF NOTICES TO QUIT IN CASE OF SALE.

Restriction of notices to quit in case of sale.

27.—(1) On the making of any contract for sale of a holding or any part of a holding held by a tenant

from year to year, any then current and unexpired notice to determine the tenancy of the holding given to the tenant, either before or after the commencement of this Act shall, if the contract for sale is made by the person by whom the notice to quit was given, be null and void, unless the tenant has, after the nineteenth day of August, nineteen hundred and nineteen, and prior to such contract of sale, by writing agreed that such notice shall be valid.

(2) This section shall not apply to a contract for sale to a Government department or local authority for the purpose of providing small holdings or allotments or for any other public purpose made before the twentieth day of August, nineteen hundred and twenty-two.

BEQUEST OF LEASE.

Bequest of lease.

28. A tenant of a holding may, by will or other testamentary writing, bequeath his lease to any person (in this section referred to as the legatee) subject to the following provisions:—

(*a*) The legatee shall intimate the testamentary bequest to the landlord within twenty-one days after the death of the tenant, unless he is prevented by some unavoidable cause from making intimation within that time, and in that event he shall make intimation as soon as possible thereafter:

(*b*) Intimation to the landlord by the legatee shall import acceptance of the lease by the legatee:

(*c*) Within one month after intimation has been made to the landlord he may intimate to the legatee that he objects to receive him as tenant under the lease:

(*d*) If the landlord makes no such intimation within one month, the lease shall be binding on the landlord and the legatee respectively, as landlord and tenant, as from the date of the death of the deceased tenant:

(*e*) If the landlord intimates that he objects to receive the legatee as tenant under the lease, the legatee may present a petition to the sheriff, praying for decree declaring that he is tenant under the lease as from the date of the death of

the deceased tenant, of which petition due notice shall be given to the landlord, who may enter appearance and state his grounds of objection; and, if any reasonable ground of objection is established to the satisfaction of the sheriff, he shall declare the bequest to be null and void; but otherwise he shall decern and declare in terms of the prayer of the petition:

(*f*) The decision of the sheriff under such petition as aforesaid shall be final:

(*g*) Pending any proceedings under this section, the legatee shall have possession of the holding, unless the sheriff otherwise directs on cause shown:

(*h*) If the legatee does not accept the bequest, or if the bequest is declared to be null and void as aforesaid, the lease shall descend to the heir of the tenant in the same manner as if the bequest had not been made.

FIXTURES AND BUILDINGS.

Tenant's property in fixtures and buildings.

29.—(1) Any engine, machinery, fencing, or other fixture affixed to a holding by a tenant, and any building erected by him thereon for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy:

Provided that—

(i) Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding:

(ii) In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding:

(iii) Immediately after the removal of any fixture or building the tenant shall make good all

damage occasioned to any other building or other part of the holding by the removal:

(iv) The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of his intention to remove it:

(v) At any time before the expiration of such notice the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice given by the tenant as aforesaid and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding.

(2) The provisions of this section shall apply to a fixture or building acquired since the thirty-first day of December, nineteen hundred, by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant, but shall not apply to any fixture or building affixed or erected before the first day of January, eighteen hundred and eighty-four.

Miscellaneous Rights of Landlord and Tenant.

Resumption of possession for cottages, &c.

30. Where a notice to quit is given by the landlord of a holding to a tenant from year to year with a view to the use of land for any of the following purposes:—

(i) The erection of farm labourers' cottages or other houses with or without gardens;

(ii) The provision of gardens for farm labourers' cottages or other houses;

(iii) The provision of allotments;

(iv) The provision of small holdings under the Small Landholders (Scotland) Acts, 1886 to 1919;

(v) The planting of trees;

(vi) The opening or working of any coal, ironstone, limestone, brick earth, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connection therewith;

(vii) The making of a watercourse or reservoir;

(viii) The making of any road, railway, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice states that it is given with a view to any such use—

(*a*) it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding; and

(*b*) the provisions of this Act respecting compensation shall apply as if the part to which the notice relates were a separate holding; and

(*c*) the tenant shall be entitled to a reduction of rent proportionate to the part to which the notice relates, and in respect of any depreciation of the value to him of the residue of the holding caused by the severance, or by the use to be made of the part severed, and the amount of that reduction shall be settled as in case of compensation under this Act:

Provided that the tenant may, at any time within twenty-eight days after service of the notice to quit, serve on the landlord a notice in writing to the effect that he accepts it as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

Resumption of part of holding by landlord.

31. Where the landlord of a holding gives notice, in pursuance of a provision in that behalf contained in the lease, of his intention to resume possession of some part of the holding, the provisions of paragraphs (*b*) and (*c*) of the immediately preceding section of this Act (but not including the proviso thereto) shall apply as if the notice were such a notice to quit as is mentioned in that section:

Provided that, in assessing the compensation payable to the tenant and the reduction of rent, the arbiter shall take into consideration any benefit or relief allowed to the tenant under the lease in respect of any land resumed in pursuance of such provision.

Power of entry by landlord.

32. The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of viewing the state of the holding.

Extension of meaning of "holding."

33.—(1) Where the land comprised in a lease is not a holding within the meaning of this Act by reason only of the fact that the land so comprised includes land (hereinafter referred to as "the non-statutory land") which, owing to the nature of the buildings thereon or the use to which it is put, would not, if it had been separately let, be a holding within the meaning of this Act, the provisions of this Act relating to compensation for improvements and disturbance shall, unless otherwise agreed in writing, apply to the part of the land exclusive of the non-statutory land as if that part were a separate holding.

(2) This section shall not apply in relation to a lease entered into before the first day of January, nineteen hundred and twenty-one.

Penal rents and liquidated damages.

34. Notwithstanding any provision in a lease making the tenant of a holding liable to pay a higher rent or other liquidated damages in the event of any breach or non-fulfilment of any of the terms or conditions in the lease, a landlord shall not be entitled to recover any sum in consequence of any such breach or non-fulfilment in excess of the damage actually suffered by him in consequence of the breach or non-fulfilment:

Provided that this section shall not apply to any of the terms or conditions in a lease prohibiting the breaking of permanent pasture, the grubbing of underwoods, or the felling, cutting, lopping, or injuring of trees, or regulating the burning of heather.

Freedom of cropping and disposal of produce.

35.—(1) Notwithstanding any custom of the country, or the provisions of any lease or agreement respecting the method of cropping of arable lands, or the disposal of crops, a tenant of a holding shall have full right to practise any system of cropping of the arable land on the holding, and to dispose of the produce of the holding, without incurring any penalty, forfeiture, or liability:

Provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration,

which provision shall, in the case of disposal of the produce of the holding, consist in the return to the holding of the full equivalent manurial value to the holding of all crops sold off or removed from the holding in contravention of the custom, lease, or agreement.

This subsection shall not apply—

(*a*) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or

(*b*) in any other case, as respects the year before the expiration of the lease.

(2) If the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall, without prejudice to any other remedy which may be open to him, be entitled to recover damages in respect of such injury or deterioration at any time, and, should the case so require, to obtain an interdict restraining the exercise of the rights under this section in that manner.

(3) A tenant shall not be entitled to any compensation in respect of improvements comprised in Part III. of the First Schedule to this Act which have been made for the purpose of making such provision to protect the holding from injury or deterioration as is required by this section.

(4) In this section the expression "arable land" shall not include land in grass which by the terms of any lease is to be retained in the same condition throughout the tenancy.

Prohibition of removal of manure, &c., after notice to terminate the tenancy.

36. Where notice to terminate the tenancy of a holding is given, either by the tenant or by the landlord, the tenant shall not, subject to any agreement to the contrary, at any time after the date of the notice, sell or remove from the holding any manure or compost, or any hay or straw or roots grown in the last year of the tenancy, unless and until he has given the landlord or incoming tenant a reasonable opportunity of agreeing to purchase on the termination of the tenancy at their fair market value, or at such other value as is provided by the lease, the said manure, compost, hay, straw, or roots.

Record of holding.

37. If the landlord or tenant of a holding at any time during the tenancy so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches and cultivation of the holding, and, if so required by the tenant, a record of any existing improvements executed by the tenant or for which the tenant with the consent in writing of his landlord has paid compensation to an outgoing tenant, and of any fixtures or buildings which under section twenty-nine of this Act the tenant is entitled to remove, shall be made by a person to be appointed in default of agreement by the Board, and in default of agreement the cost of making any such record shall be borne by the landlord and tenant in equal shares.

Persons under Disability.

Appointment of guardian.

38. Where a landlord or tenant is a pupil or minor, or is of unsound mind, not having a tutor, curator, or other guardian, the sheriff on the application of any person interested may appoint to him a tutor or curator for the purposes of this Act, and may recall the appointment and appoint another tutor or curator if and as occasion requires.

Provision as to limited owners.

39. Subject to the provisions of this Act in relation to Crown, Ecclesiastical, and Charity lands, a landlord, whatever may be his estate or interest in the holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act, which he might give or make or do or have done to him if he were absolute owner of the holding.

Crown Lands.

Application to Crown lands.

40.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown.

(2) With respect to any such land, for the purposes of this Act the Commissioners of Woods or other the proper officer or body having charge of the land for the time being, or, in case there is no such officer or body, then such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty, and shall be deemed to be the landlord.

29 & 30 Vict. c. 62.

(3) The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the cost of certain improvements to be charged to capital and repaid out of income), shall extend to any compensation under this Act payable by the Commissioners of Woods in respect of an improvement comprised in Part I. or Part II. of the First Schedule hereto.

(4) Any compensation under this Act payable by those Commissioners, in respect of an improvement comprised in Part III. of the First Schedule hereto, shall be paid as part of the expenses of the management of the land revenues of the Crown.

ECCLESIASTICAL AND CHARITY LANDS.

Application to glebe and charity land.

41.—(1) The powers by this Act conferred on a landlord in respect of charging land shall not be exercised by ministers in respect of their glebes, except with the approval in writing of the presbytery of the bounds, and shall not be exercised by trustees for ecclesiastical, educational, or charitable purposes, except with the previous approval in writing of the Secretary for Scotland.

(2) This section shall apply in relation to the exercise of any power, whether before or after the commencement of this Act.

SPECIAL PROVISIONS AS TO MARKET GARDENS.

Special provisions as to market gardens.

42.—(1) In the case of a holding in respect of which it is agreed by an agreement in writing made on or after the first day of January, eighteen hundred and ninety-eight, that the holding shall be let or treated as a market garden—

(i) the provisions of this Act shall apply as if the improvements comprised in the Third Schedule to this Act were comprised in Part III. of the First Schedule to this Act:

Provided that—

(*a*) in the case of Crown lands, compensation in respect of an improvement comprised in paragraphs (1), (2), and (5) of the said Third Schedule shall be paid in the same manner and out of the same funds as if it

were an improvement comprised in Part I. of the said First Schedule ; and

(*b*) the right of an incoming tenant to claim compensation in respect of the whole or part of an improvement which he has purchased may be exercised, although his landlord has not consented in writing to the purchase :

(ii) the provisions of this Act relating to tenant's property in fixtures and buildings shall extend to every fixture or building affixed or erected by the tenant to or upon the holding, or acquired by him since the thirty-first day of December, nineteen hundred, for the purposes of his trade or business as a market gardener :

(iii) it shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out ; but, if the tenant does not remove such fruit trees and fruit bushes before the termination of his tenancy, they shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

(2) Where under a lease current on the first day of January, eighteen hundred and ninety-eight, a holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof has then executed thereon, without having received previously to the execution thereof any written notice of dissent by the landlord, any improvement comprised in the Third Schedule to this Act, the provisions of this section shall apply, in respect of that holding, as if it had been agreed in writing after that date that the holding should be let or treated as a market garden, so however that the improvements in respect of which compensation is payable under those provisions as so applied shall include improvements executed before as well as improvements executed after that date :

Provided that, where such a tenancy was a tenancy from year to year, the compensation payable in respect of an improvement comprised in the Third Schedule to this Act shall be such (if any) as could have been claimed if this Act had not been passed.

(3) Where the land to which such agreement relates or so used and cultivated consists of part of a holding only, this section shall apply as if that part were a separate holding.

GENERAL.

Prohibition of appeal from sheriff-substitute.

43. Where any jurisdiction committed by this Act to the sheriff is exercised by the sheriff-substitute, there shall be no appeal to the sheriff.

Expenses in sheriff court.

44. The Court of Session may, by act of sederunt, prescribe a scale of expenses for proceedings in the sheriff court under this Act, and such expenses shall be taxed by the auditor of the sheriff court.

Avoidance of contract inconsistent with Act.

45. Subject to the provisions of this Act, any contract or agreement made by a tenant of a holding by virtue of which his right to claim compensation under this Act is taken away or limited shall to that extent be void.

General savings of rights.

46. Except as in this Act expressed, nothing in this Act shall prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a lease or other contract, or of any improvements, deteriorations, away-going crops, fixtures, tax, rate, teind, rent, or other thing.

Validity of consents, &c.

47. It shall be no objection to any consent in writing or agreement in writing under this Act signed by the parties thereto or by any persons authorised by them that the consent or agreement has not been executed in accordance with the statutes regulating the execution of deeds in Scotland.

Improvements executed under repealed enactments. 8 Edw. 7. c. 64.

48. Except as otherwise expressly provided by this Act, the compensation in respect of an improvement made or begun before the first day of January, nineteen hundred and nine (being the date of the commencement of the Agricultural Holdings (Scotland) Act, 1908), or made upon a holding held under a lease, other than a lease from year to year, current on the first day of January, eighteen hundred and eighty-four, shall be such (if any) as could have been claimed if this Act had not been

passed, but the procedure for the ascertainment and recovery thereof shall be such as is provided by this Act, and the amount so ascertained shall be payable, recoverable, and chargeable as if it were compensation under this Act.

Interpretation.

49.—(1) In this Act, unless the context otherwise requires,—

"Lease" means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year;

"Termination of tenancy" means the termination of a lease by reason of effluxion of time, or from any other cause;

"Landlord" means any person for the time being entitled to receive the rents and profits or to take possession of any holding;

"Tenant" means the holder of land under a lease;

"Landlord" or "tenant" includes the executors, administrators, assignees, legatee, disponee, or next-of-kin, husband, guardian, curator bonis, or trustee in bankruptcy, of a landlord or tenant;

"Absolute owner" means the owner or person capable of disposing by disposition or otherwise of the fee simple or dominium utile of the whole interest of or in land, although the land, or his interest therein, is burdened, charged, or encumbered;

"Holding" means any piece of land held by a tenant which is either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or in whole or in part cultivated as a market garden, and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord;

"Market garden" means a holding cultivated, wholly or mainly, for the purpose of the trade or business of market gardening;

"Board" means the Board of Agriculture for Scotland;

"Manuring" means any of the improvements numbered twenty-five, twenty-six, and twenty-seven in Part III. of the First Schedule hereto;

"Rules of good husbandry" means (due regard being had to the character of the holding) so far as is practicable, having regard to its character and position—

(*a*) the maintenance of the land (whether arable, meadow, or pasture), clean and in a good state of cultivation and fertility, and in good condition; and

(*b*) the maintenance and clearing of drains, embankments, and ditches; and

(*c*) the maintenance and proper repair of fences, stone walls, gates, and hedges; and

(*d*) the execution of repairs to buildings, being repairs which are necessary for the proper cultivation and working of the land on which they are to be executed; and

(*e*) such rules of good husbandry as are generally recognised as applying to holdings of the same character and in the same neighbourhood as the holding in respect of which the expression is to be applied:

Provided that the foregoing definition shall not imply an obligation on the part of any person to maintain or clear drains, embankments, or ditches, if and so far as the execution of the works required is rendered impossible (except at prohibitive or unreasonable expense) by reason of subsidence of any land or the blocking of outfalls which are not under the control of that person, or in its application to land in the occupation of a tenant imply an obligation on the part of the tenant—

(i) to maintain or clear drains, embankments, or ditches, or to maintain or properly repair fences, stone walls, gates, or hedges where such work is not required to be done by him under his lease; or

(ii) to execute repairs to buildings which are not required to be executed by him under his lease.

(2) References to the terms, conditions, or requirements of a lease of or of an agreement relating to a holding shall be construed as including references to any obligations, conditions, or liabilities implied by the custom of the country in respect of the holding.

(3) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation for improvements, or under any agreement made in pursuance of this Act.

(4) Anything which by or under this Act is required or authorised to be done to, by, or in respect of the landlord of a holding may be done to, by, or in respect of any agent of the landlord duly authorised in that behalf.

Repeal.

50. The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule :

Provided that—

(*a*) all orders and acts of sederunt made, and scales of expenses, and instruments issued and notices, consents, certificates, and directions given and having effect under any enactment hereby repealed shall have effect as if they had been made, issued, or given under this Act:

(*b*) the mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52 & 53 Vict. c. 63.

Commencement.

51. This Act shall come into operation at the expiration of one month after the passing thereof.

Short title and extent.

52.—(1) This Act may be cited as the Agricultural Holdings (Scotland) Act, 1923.

(2) This Act shall extend to Scotland only.

SCHEDULES.

Sections 1, 2, 3, 4, 6, 9, 21, 35, 40, 42, 49.

FIRST SCHEDULE.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

(1) Erection, alteration, or enlargement of buildings.

(2) Formation of silos.

(3) Laying down of permanent pasture.

(4) Making and planting of osier beds.

(5) Making of water meadows or works of irrigation.

(6) Making of gardens.

(7) Making or improvement of roads or bridges.

(8) Making or improvement of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.

(9) Making or removal of permanent fences.

(10) Planting of hops.

(11) Planting of orchards or fruit bushes.

(12) Protecting young fruit trees.

(13) Reclaiming of waste land.

(14) Warping or weiring of land.

(15) Embankments and sluices against floods.

(16) Erection of wirework in hop gardens.

(17) Provision of permanent sheep-dipping accommodation.

(18) In the case of arable land the removal of bracken, gorse, tree roots, boulders, or other like obstructions to cultivation.

[N.B.—*This part is subject as to market gardens to the provisions of the Third Schedule.*]

PART II.

IMPROVEMENT IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

(19) Drainage.

Part III.

Improvements in respect of which Consent of or Notice to Landlord is not required.

(20) Chalking of land.

(21) Clay-burning.

(22) Claying of land or spreading blaes upon land.

(23) Liming of land.

(24) Marling of land.

(25) Application to land of purchased artificial or other purchased manure.

(26) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.

(27) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.

(28) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.

(29) Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute:

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

SECOND SCHEDULE.

Sections 16, 17, 18.

Rules as to Arbitration.

Appointment of Arbiter.

1. A person agreed upon between the parties, or in default of agreement nominated by the Board on the application in writing of either of the parties, shall be appointed arbiter.

2. If a person appointed arbiter dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbiter may be appointed as if no arbiter had been appointed.

3. Neither party shall have power to revoke the appointment of the arbiter without the consent of the other party.

4. Every appointment, notice, revocation, and consent under this part of these rules must be in writing.

TIME FOR AWARD.

5. The arbiter shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board may (whether the time for making the award has expired or not) direct.

REMOVAL OF ARBITER.

6. Where an arbiter has misconducted himself the sheriff may remove him.

EVIDENCE.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbiter on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbiter all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbiter may require.

8. The arbiter shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbiter thinks fit, be examined on oath or affirmation.

STATEMENT OF CASE.

9. The arbiter may at any stage of the proceedings, and shall, if so directed by the sheriff (which direction may be given on the application of either party), state in the form of a special case for the opinion of the sheriff any question of law arising in the course of the arbitration.

AWARD.

10. The arbiter shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the

award shall fix a day not later than one month after the delivery of the award for the payment of the money awarded as compensation, expenses, or otherwise, and shall be in such form as may be prescribed by the Board.

11. The award to be made by the arbiter shall be final and binding on the parties and the persons claiming under them respectively.

12. The arbiter may correct in an award any clerical mistake or error arising from any accidental slip or omission.

13. When an arbiter has misconducted himself, or an arbitration or award has been improperly procured, the sheriff may set the award aside.

EXPENSES.

14. The expenses of and incidental to the arbitration and award shall be in the discretion of the arbiter, who may direct to and by whom and in what manner those expenses or any part thereof are to be paid, and the expenses shall be subject to taxation by the auditor of the sheriff court on the application of either party, but that taxation shall be subject to review by the sheriff.

15. The arbiter shall, in awarding expenses, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the expenses of any witness whom he considers to have been called unnecessarily and any other expenses which he considers to have been incurred unnecessarily.

FORMS.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board shall, if used, be sufficient.

THIRD SCHEDULE.

Sections 5, 9, 42.

IMPROVEMENTS SUBJECT TO SPECIAL PROVISIONS IN THE CASE OF MARKET GARDENS.

(1) Planting of standard or other fruit trees permanently set out;

(2) Planting of fruit bushes permanently set out;

(3) Planting of strawberry plants;

(4) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

(5) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

Section 50.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 64	The Agricultural Holdings (Scotland) Act, 1908.	The whole Act, so far as not already repealed.
10 Edw. 7. & 1 Geo. 5. c.30.	The Agricultural Holdings (Scotland) Amendment Act, 1910.	The whole Act.
9 & 10 Geo. 5. c. 63.	The Agricultural Land Sales (Restriction of Notices to Quit) Act, 1919.	The whole Act.
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920	Part II. Section thirty-three. Section thirty-four, except the definition of "agricultural committee." The First Schedule.
11 & 12 Geo. 5. c. 17.	The Agriculture (Amendment) Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	Section five.

CHAPTER 11.

An Act to make perpetual, subject to an amendment, the Special Constables Act, 1914; to provide for the employment of special constables in connection with Naval, Military and Air Force yards and stations; and to remove certain limitations on the appointment of special constables in Scotland. [7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Perpetuation of 4 & 5 Geo. 5. c. 61.

1.—(1) Section one of the Special Constables Act, 1914, which confers power to make regulations with respect to special constables appointed during the war, shall have effect as though the words "during the present war" were omitted therefrom, and as though for the power thereby conferred to apply to special constables any of the provisions of the Police Acts, 1839 to 1910, or the corresponding Scottish enactments, there were substituted power so to apply any enactment for the time being in force relating to the county, borough, or metropolitan police, or in Scotland the county or burgh police.

10 & 11 Geo. 5. c. 5.

(2) The reference to the Special Constables Act, 1914, in the First Schedule to the War Emergency Laws (Continuance) Act, 1920, is hereby repealed.

(3) This section shall not apply to Northern Ireland.

Orders in Council to be laid before Parliament.

2. Any Order in Council made after the passing of this Act under the Special Constables Act, 1914, as amended by this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an Address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order has been laid before it praying that the regulations made thereby shall be annulled, His Majesty may thereupon by Order in Council annul the regulations, and the regulations so annulled shall forthwith become void, without prejudice

to the validity of any proceedings which may in the meantime have been taken thereunder or to the making of any new regulations :

Provided that Orders in Council under the said Act shall not be deemed to be statutory rules within the meaning of section one of the Rules Publication Act, 1893.

56 & 57 Vict. c. 66.

Substitution of special constables for metropolitan police at armament depôts, &c.

23 & 24 Vict. c. 135.
4 & 5 Geo. 5. c. 44.

3.—(1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Admiralty, Army Council, or Air Council, to be special constables within the yards and stations and limits within which constables of the metropolitan police force may by virtue of the Metropolitan Police Act, 1860, or the Metropolitan Police (Employment in Scotland) Act, 1914, both as originally enacted and as applied to the Air Force, be employed ; and every person so appointed shall be sworn in by any such justices duly to execute the office of a constable within the places and limits aforesaid, and when so sworn in shall have the same powers and privileges, and be liable to the same duties and responsibilities as constables of the metropolitan police force have and are liable to under the said Acts.

(2) Special constables appointed under this section shall be under the exclusive control of the department on whose nomination they are appointed, and that department shall have power to suspend or terminate the appointment of any such special constable.

(3) In the application of this section to Scotland references to any two justices of the peace shall be construed as references to the magistrates of a burgh or the standing joint committee of a county, as the case may be, and the reference to swearing in shall be read as a reference to making a declaration or taking an oath, as the case may be, in the form and manner prescribed in section seventy-nine of the Burgh Police (Scotland) Act, 1892, and section eleven of the Police (Scotland) Act, 1857, respectively.

55 & 56 Vict. c. 55.
20 & 21 Vict. c. 72.

Removal of limitations on appointment of special constables.

4. Section ninety-six of the Burgh Police (Scotland) Act, 1892 (which relates to the appointment of special constables), shall, both as originally enacted and as extended to counties by the Special Constables (Scotland) Act, 1914, have effect as if the words " of or exceeding

the age of twenty years" were substituted for the words "between the ages of twenty and fifty" and the words "for a period not exceeding six months" were omitted. 4 & 5 Geo. 5. c. 53.

5. This Act may be cited as the Special Constables Act, 1923, and the Special Constables Act, 1914, and this Act may be cited together as the Special Constables Acts, 1914 and 1923, and sections ninety-six, ninety-seven, and ninety-eight of the Burgh Police (Scotland) Act, 1892, the Special Constables (Scotland) Act, 1914, and the Special Constables Act, 1914, and this Act as they apply to Scotland may be cited as the Special Constables (Scotland) Acts, 1892 to 1923. Short title.

CHAPTER 12.

An Act to prohibit the institution and prosecution of legal proceedings in respect of action taken under the Restoration of Order in Ireland Regulations, and to make provision as to claims for compensation by persons affected.

[7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No action or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any court of law against any person for, or on account of, or in respect of the issue before the passing of this Act and since the sixth day of December, nineteen hundred and twenty-two, of any order purporting to have been made in pursuance of regulation 14 B. made or purporting to have been made under the Restoration of Order in Ireland Act, 1920, or for, on account of, or in respect of any act done before the passing of this Act for the purpose of carrying any such order into effect; and if any such proceeding has been instituted, whether before or after the passing of this Act, it shall be Indemnity for action taken under Restoration of Order in Ireland Regulations. 10 & 11 Geo. 5. c. 31.

discharged and made void, subject in the case of a proceeding instituted before the seventeenth day of May, nineteen hundred and twenty-three, to such directions as to costs as the court or a judge thereof may think fit to give:

Provided that any person who, in pursuance of any such order, has been deported to Ireland since the sixth day of December, nineteen hundred and twenty-two, and therein interned shall be entitled within three months after the passing of this Act to claim against such person as may be designated for the purpose by the Treasury compensation for any loss or damage he may have sustained in consequence of such deportation and internment, or of any act done for the purpose of carrying such order into effect, and the amount of such compensation shall be assessed on the principles on which damages would be assessed at common law in a common law action for trespass but without regard to any statutory minimum, or in Scotland for wrongous imprisonment or assault, and awarded by a tribunal consisting of three persons (of whom one shall be a person who holds or has held high judicial office) appointed by the Lord Chief Justice of England, or, in cases of persons deported from Scotland, by the Lord President of the Court of Session, and the decision of such a tribunal shall be final.

If a person so deported and interned dies, the claim for compensation may be made or prosecuted by his personal representative and compensation may be assessed as if he had not died.

11 & 12 Geo. 5. c. 7.

(2) The Tribunals of Inquiry (Evidence) Act, 1921, shall apply to such a tribunal as if the tribunal had been established and that Act had been applied thereto in manner provided by that Act: Provided that in any proceedings on such a claim any party shall be entitled to appear by counsel or by a solicitor or law agent.

(3) Any such tribunal shall have power to award and assess such sums by way of costs as they, in their discretion, may think fit.

Short title.

2. This Act may be cited as the Restoration of Order in Ireland (Indemnity) Act, 1923.

CHAPTER 13.

An Act to amend the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, with respect to the effect of notices to increase rent given thereunder; and for purposes consequential thereon. [7th June 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Effect of notices to increase rent under principal Act. 10&11Geo.5. c. 17.

1.—(1) Where notice of intention to increase rent has, whether before or after the passing of this Act, been served on a tenant in conformity with subsection (2) of section three of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (hereinafter referred to as the principal Act), and a notice to terminate the tenancy was necessary in order to make such increase effective, the notice of intention to increase the rent shall have effect and shall be deemed always to have had effect as if it were or had been also a notice to terminate the existing tenancy on the day immediately preceding the day as from which the increase is or was first to take effect, or on the earliest day thereafter on which if it had been a notice to terminate the tenancy, it would have been effective for that purpose, and in the latter case a notice of increase served before the passing of this Act shall be deemed to have had effect as if such earliest date had been specified in the notice as the date as from which the increase was to take effect:

Provided that—

(*a*) nothing in this Act shall entitle a landlord after the passing of this Act to recover from a tenant, in respect of any period before the first day of December, nineteen hundred and twenty-two, the increase of rent made valid by this Act, or any sums which have been recovered from the landlord before that date

by means of deductions from rent or otherwise, or any rent due before that date which has not been paid by reason of such deductions having been made therefrom; but section fourteen, subsection (1), of the principal Act shall not apply to an increase of rent made valid by this Act which was paid by, or recovered from, a tenant prior to the first day of December, nineteen hundred and twenty-two;

(*b*) nothing in this Act shall affect the right to enforce any judgment of a court of competent jurisdiction given before the fifteenth day of February, nineteen hundred and twenty-three, or render recoverable any sum paid under such a judgment.

(2) Any increase of rent made valid by this Act is hereinafter referred to as a validated increase of rent.

Payment of arrears by instalments

2.—(1) The amount due under this Act on account of any arrears of rent, that is to say,—

(*a*) any validated increase of rent in respect of the period from the first day of December, nineteen hundred and twenty-two, to the date of the passing of this Act, both inclusive; and

(*b*) any sum which during the said period has been recovered by the tenant from the landlord by deductions from rent or otherwise, and which would not have been so recoverable had this Act been then in force;

shall be payable by instalments with and as part of the periodical payments of rent, each instalment being fifteen per cent. of the standard rent for the week, month, or other period for which the rent is payable, fractions of a penny being disregarded; and such instalments shall continue payable until the whole of the amount of such arrears is paid off:

Provided that—

(i) the tenant may at any time pay to the landlord the full amount of such arrears subject to the deduction of the aggregate amount of the instalments (if any) already paid; and

(ii) if a tenant by whom any such instalments are payable gives up possession of the premises either voluntarily or on any order or judgment of a court, the balance of the sum payable by instalments shall immediately become due and recoverable.

(2) A landlord claiming that a sum on account of arrears of rent is due to him under this Act shall serve on the tenant a notice to that effect, and the notice shall specify the amount so claimed and the amount of the instalments claimed to be payable, and the first instalment shall not be payable until after the expiration of one clear week from the date of the notice. If such notice contains any statement or representation which is false or misleading in any material respect, the landlord shall be liable on summary conviction to a fine not exceeding ten pounds unless he proves that the statement was made innocently and without intent to deceive.

(3) The notice shall be in the form contained in the Schedule to this Act, or in a form substantially to the same effect, and the landlord shall furnish the tenant with details in writing showing how the amount claimed is arrived at, and how the amount of the instalments has been calculated.

(4) Any question as to the amount of arrears due from a tenant, or the amount of any instalment, shall be determined on the application either of the landlord or the tenant by the county court, and the decision of the court shall be final and conclusive.

Power to suspend liability if premises unfit for human habitation or in state of disrepair.

3.—(1) A tenant, who becomes by virtue of this Act liable to pay any sum by way of rent or on account of arrears, or the sanitary authority, may apply to the county court for an order suspending such liability on the ground that the house is not in all respects reasonably fit for human habitation or that it is otherwise not in a reasonable state of repair, and section two of the principal Act shall apply as if the application had been made under subsection (2) of that section.

(2) Where the liability in respect of the payment of instalments is so suspended, the instalments which would have become payable during the period of suspension, shall, for the purpose of calculating the aggregate amount of instalments paid, be deemed to have been paid.

(3) Where a tenant has obtained from the sanitary authority a certificate that the house is not in a reasonable state of repair, and has served a copy of the certificate upon the landlord, it shall be a good defence to any claim against the tenant for the payment of any sum which the tenant is by virtue of this Act liable to pay by way of rent or on account of arrears in respect of any subsequent rental period that the house was not in a reasonable state of repair during that period, and in any proceedings against the tenant for the enforcement of such claim (including proceedings for recovery of possession or ejectment on the ground of non-payment of rent so far as the rent unpaid includes any such sum), the production of the said certificate shall be sufficient evidence that the house was and continues to be in the condition therein mentioned unless the contrary is proved:

Provided that the foregoing provision shall not apply in any case where and so far as the condition of the house is due to the tenant's neglect or default or breach of express agreement.

(4) For the purposes of this Act, a certificate of a sanitary authority shall specify what works (if any) require to be executed in order to put the house into a reasonable state of repair.

(5) An instrument purporting to be a certificate of a sanitary authority and to be signed by an officer of the authority shall, without further proof, be taken to be a certificate of the authority unless the contrary is proved.

(6) A sanitary authority may appoint a committee for the purposes of this Act and may delegate, with or without restrictions, to such committee or to an existing committee of the authority all or any of the powers of the authority under this Act.

Short title and construction.

4. This Act may be cited as the Rent Restrictions (Notices of Increase) Act, 1923, and shall be construed as one with the principal Act, except that this Act shall not extend to Ireland.

SCHEDULE.

Section 2.

FORM OF NOTICE BY LANDLORD.

RENT RESTRICTIONS (NOTICES OF INCREASE) ACT, 1923.

Date

To

Address of premises to which this notice refers - - }

TAKE NOTICE that I claim that the sum of is due to me from you as tenant of the above premises on account of arrears of rent under the above-mentioned Act.

The amount due on account of such arrears is payable by instalments with, and as part of, your weekly [*monthly, or other periodical*] rent until the amount of such arrears is paid off. The first instalment will be payable on the day of *.

The amount of the instalments claimed by me is a week [*month, or other period, as the case may be*].

If you wish to dispute the amount of the sum claimed or of the instalments, you are entitled to apply to the county court of .

You are entitled to apply to the county court for an order suspending any sum due from you by way of rent, or on account of arrears, under the above mentioned Act, if you consider that the premises are not in all respects reasonably fit for human habitation or otherwise not in a reasonable state of repair. You will be required to satisfy the county court, by a report of the sanitary authority or otherwise, that your application is well founded, and for this purpose you are entitled to apply to the sanitary authority for a certificate. A fee of one shilling is chargeable, but, if the certificate is granted, you can deduct this sum from the sum due from you as aforesaid. The address of the sanitary authority is

If at any time you give up posession of the above premises, either voluntarily or on an order or judgment of the court, the balance of the sum payable by instalments will immediately become due.

* The date to be inserted will be the first rent day after the expiration of one clear week from the date of the notice.

A statement is sent herewith showing how the amount of the above claim is arrived at, and how the amount of the instalments has been calculated.

Signed

Address

CHAPTER 14.

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, to amend the Law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. [18th July 1923.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

Duty on tea. 12 & 13 Geo. 5. c. 17. 9 & 10 Geo. 5. c. 32.

1. The duty of customs payable on tea until the first day of August, nineteen hundred and twenty-three, under the Finance Act, 1922, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), continue to be charged, levied and paid until the first day of August, nineteen

hundred and twenty-four, on the importation thereof into Great Britain or Northern Ireland, that is to say :—

Tea - - - the lb., eight pence.

Rebate from excise duty on beer.

2.—(1) There shall, in respect of beer brewed in Great Britain or Northern Ireland on or after the first day of April, nineteen hundred and twenty-three, be allowed the following rebate from the excise duty payable in respect thereof, that is to say :—

In the case of beer brewed by a brewer of beer for sale, for every thirty-six gallons of beer, of whatever original gravity, charged with duty and delivered from the brewery, a rebate of one pound, or where the duty payable in respect of thirty-six gallons of any beer so charged and delivered is less than two pounds and four shillings, a rebate equal to the amount by which that duty exceeds the sum of one pound and four shillings;

In the case of beer brewed by any brewer other than a brewer for sale, for every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees charged with duty a rebate of one pound and five shillings;

and so in proportion for any difference in quantity.

(2) The excise drawback payable on the exportation of any beer, or on the deposit thereof in a warehouse for exportation, from Great Britain or Northern Ireland as merchandise or for use as ships' stores, shall, unless it is shown to the satisfaction of the Commissioners of Customs and Excise that no rebate has been allowed in respect of that beer under this section, be reduced by an amount equal to the amount of the rebate allowable under this section in respect thereof.

This subsection shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-three.

(3) The Commissioners of Customs and Excise may make such regulations as they consider necessary for the purpose of carrying this section into effect, and in particular for the purpose of facilitating and controlling the calculation of the amount of the rebate to be allowed under this section and with respect to the method of computing the quantity of the beer in respect of which rebate is to be allowed.

(4) If any person acts in contravention of or fails to comply with any regulations made under this section, he shall, for each offence, be liable at the election of the Commissioners of Customs and Excise, either to an excise penalty of one hundred pounds or to an excise penalty equal to three times the amount of the rebate, which through the commission of the offence has been, or might have been, improperly obtained.

Rebate from customs duty on beer.

3.—(1) There shall, in respect of beer imported into Great Britain or Northern Ireland, on or after the seventeenth day of April, nineteen hundred and twenty-three, be allowed from the customs duty payable on importation a rebate of one pound for every thirty-six gallons of beer, or, where the duty payable in respect of thirty-six gallons of beer is less than two pounds four shillings and threepence, a rebate equal to the amount by which the duty exceeds the sum of one pound four shillings and threepence.

(2) The customs drawback payable on the exportation or shipment for use as stores of any beer imported into Great Britain or Northern Ireland shall, unless it is shown to the satisfaction of the Commissioners of Customs and Excise that no rebate has been allowed in respect of that beer under this section, be reduced by an amount equal to the amount of the rebate allowable under this section in respect of that beer.

This subsection shall be deemed to have had effect as from the seventeenth day of April, nineteen hundred and twenty-three.

Repeal of duty on cider. 6 & 7 Geo. 5. c. 11. 6 & 7 Geo. 5. c. 24.

4. The excise duty chargeable under section five of the Finance (New Duties) Act, 1916, on cider or perry sold or kept for sale in Great Britain or Northern Ireland, and the customs duty chargeable under section eight of the Finance Act, 1916, on cider and perry imported into Great Britain or Northern Ireland, shall cease to be chargeable as from the first day of May, nineteen hundred and twenty-three.

Reduction of duty on certain table waters.

5. As from the first day of May, nineteen hundred and twenty-three, the excise duty now chargeable under section four of the Finance (New Duties) Act, 1916, at the rate of fourpence per gallon on certain table waters sold or kept for sale in Great Britain or Northern Ireland,

shall be charged at the reduced rate of twopence per gallon.

Continuation of customs duties imposed under 5 & 6 Geo. 5. c. 89.

6. The new import duties and the additional customs duties on dried fruits imposed by Part I. of the Finance (No. 2) Act, 1915, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), continue to be charged, levied and paid, in the case of the new import duties, until the first day of May, nineteen hundred and twenty-four, and in the case of the duties on dried fruits, until the first day of August, nineteen hundred and twenty-four.

Continuation of increased medicine duties.

7. The additional duties of excise imposed by section eleven of the Finance (No. 2) Act, 1915, on medicines liable to duty shall continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-four.

Drawback on manufactured coffee for export.

8.—(1) If it is proved to the satisfaction of the Commissioners of Customs and Excise that any roasted coffee in respect of which the duties of customs payable thereon have been duly paid has been used in Great Britain or Northern Ireland in the manufacture or preparation of any goods exported or shipped for use as stores, there shall, subject to such conditions as the Commissioners may prescribe, be allowed in respect of the quantity of roasted coffee which appears to the satisfaction of the Treasury to have been used in the manufacture or preparation of the goods a drawback equal to the drawback which would be payable upon the exportation of the same quantity of roasted coffee.

(2) This section shall apply to roasted chicory and to mixtures of roasted coffee and roasted chicory as it applies to roasted coffee, with the substitution of the words "duties of customs or excise" for the words "duties of customs."

(3) In allowing drawback under this section the said Commissioners may, with the assent of the Treasury, relax in the case of any goods any requirements of sections one hundred and four and one hundred and six of the Customs Consolidation Act, 1876, as to the giving of security and the examination of goods. 39 & 40 Vict. c. 36.

Amendment of s. 12 of Finance Act, 1922.

9. Section twelve of the Finance Act, 1922, which reduces the duties to be charged on certain negative cinematograph films, shall have effect as though for the condition requiring all the principal actors and artists employed for the production of a film to be British subjects and domiciled in Great Britain or Northern Ireland there were substituted a condition requiring all such principal actors and artists, except five, or if the total number of the principal actors and artists is less than twenty not less than three-quarters of the principal actors and artists to be British subjects and domiciled as aforesaid, and for the purposes of the said section twelve, as amended by this section, the expression "artists" shall include the person working the photographic camera by means of which the pictures composing the film are taken.

Six-wheeled vehicles.

10.—(1) Where a vehicle is used in combination with a trailer which has not more than two wheels in contact with the ground, and is so constructed and by partial superimposition so attached to the vehicle that at all time the weight on the rear axle of the vehicle exceed the weight of the axle of the trailer the vehicle and trailer shall, for the purpose of determining the rate of duty chargeable under the Second Schedule to the Finance Act, 1920, but not for any other purpose, be treated as if it were a single vehicle used for drawing a trailer.

10 & 11 Geo. 5. c. 18.

(2) This section shall come into operation on the first day of January, nineteen hundred and twenty-four.

Relief from entertainments duty.

11.—(1) Entertainments duty within the meaning of section one of the Finance (New Duties) Act, 1916, as amended by any subsequent enactment, shall not be charged on payments for admission to an entertainment as respects which it is proved to the satisfaction of the Commissioners of Customs and Excise—

(*a*) that the entertainment is provided by a society which is not established or conducted for profit; and

(*b*) that the society by which the entertainment is provided is a society established solely or partly either—

(i) for the purpose of promoting the interest of any industry; or

(ii) for the purpose of promoting graphic art, sculpture, or arts craftsmanship; or

(iii) for the purpose of promoting the public health; and

(*c*) that the entertainment consists solely—

(i) in the case of a society of the description mentioned in paragraph (*b*) (i) of this subsection, of an exhibition of the products of the industry for promoting the interest of which the society exists, or of materials, machinery, appliances, or foodstuffs used in the production of those products, or displays of skill by workers in the industry in work pertaining to the industry; or

(ii) in the case of a society of the description mentioned in paragraph (*b*) (ii) of this subsection, of an exhibition of works of graphic art, sculpture, and arts craftsmanship, or of one or more of such classes of works, executed and exhibited by persons who practice graphic art, sculpture, or arts craftsmanship for profit and as their main occupation, or of displays of skill by such persons in such arts or crafts; or

(iii) in the case of a society of the description mentioned in paragraph (*b*) (iii) of this subsection, of an exhibition of articles or displays of skill which are of material interest in connection with questions relating to the public health;

or consists solely of such exhibitions or displays of skill together with a performance of music by a band.

(2) In this section—

The expression "society" includes a company, institution, or other association of persons by whatever name called;

The expression "industry" includes a branch of an industry and includes agriculture;

The expression "agriculture" includes horticulture and live stock breeding;

The expression "live stock" includes animals of any description.

Relief from entertainments duty in respect of school entertainments.

12. Notwithstanding that any of the persons taking part as performers in the entertainment are persons of the age of eighteen or upwards, entertainments duty within the meaning of the Finance (New Duties) Act, 1916, as amended by any subsequent enactments, shall not be charged on payments for admission to any school entertainment in the case of which the Commissioners of Customs and Excise are satisfied with respect to all the matters other than the age of the performers mentioned in section twelve of the Finance Act, 1916.

Amendment of Acts relating to illicit distillation in Northern Ireland: 1 & 2 Will. 4. c. 55.

13.—(1) Any person convicted before a court of summary jurisdiction in Northern Ireland of an offence against section sixteen, seventeen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, or twenty-eight of the Illicit Distillation (Ireland) Act, 1831, shall be liable to a penalty not exceeding five hundred pounds, or to imprisonment for a term not exceeding twelve months or to both such penalty and imprisonment.

(2) If any officer of Customs and Excise, or other person having the powers of an officer of Customs and Excise in relation to offences under the Illicit Distillation (Ireland) Act, 1831, has reasonable grounds to believe that any spirit illicitly distilled, or any utensil, vessel, or material used or intended to be used for the illicit distillation of spirits is in or upon any land or other premises, he may enter the premises if need be by force and examine the premises and every part thereof and remove and take away any spirit which he has reasonable grounds to believe to have been illicitly distilled, and any utensil, vessel, or material which he has reasonable ground to believe to have been or to be intended to be used for the illicit distillation of spirits.

(3) Any person who opposes, obstructs, molests, or hinders any officer in the exercise of his powers under this section shall, on summary conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(4) For the purpose of any proceedings under the Illicit Distillation (Ireland) Act, 1831, as amended by any other enactment (including this section) or under any such amending enactment, a court of summary jurisdiction shall be constituted of not less than two resident

magistrates, and no justice of the peace not being a resident magistrate shall have jurisdiction to act on the hearing of or in connection with any such proceedings.

(5) In any proceedings under the Illicit Distillation (Ireland) Act, 1831, as amended by any other enactment (including this section), or under any such amending enactment, any chattel or thing, whether fixed to the freehold or not, found in or upon any land or other premises, shall be deemed to have been in the possession of the occupier of the premises unless he proves that he did not know, and could not by the exercise of reasonable diligence have known, that the chattel or thing was in or upon the premises.

(6) References in the Spirits (Ireland) Act, 1854, the Illicit Distillation (Ireland) Act, 1857, and the Revenue (No. 2) Act, 1861, to any member of any rank of the Royal Irish Constabulary shall be construed as references to a member of corresponding rank of the Royal Ulster Constabulary, and the Commissioners of Customs and Excise may, after consultation with the Minister of Home Affairs for Northern Ireland, direct that any powers or duties which may be exercised or performed by a member of the Royal Irish Constabulary under the Illicit Distillation (Ireland) Act, 1831, or any of the enactments aforesaid other than sections nine and ten of the Spirits (Ireland) Act, 1854, may be exercised or performed by a special constable belonging to any class of special constabulary specified in the direction.

17 & 18 Vict. c. 89. 20 & 21 Vict. c. 40. 24 & 25 Vict. c. 91.

Part II.

Income Tax and Inhabited House Duty.

14.—(1) Income tax for the year 1923–24 shall be charged at the rate of four shillings and sixpence, and the rates of super-tax for that year shall, for the purposes of section four of the Income Tax Act, 1918, as amended by the Finance Act, 1920, be the same as those for the year 1922–23.

Income tax and super-tax for 1923–24. 8 & 9 Geo. 5. c. 40.

(2) All such enactments relating to income tax and super-tax respectively as were in force with respect to the duties of income tax and super-tax granted for the year 1922–23 shall, subject to any adaptations or modifications contained in any Order in Council made in connection

with the establishment of the Irish Free State, have full force and effect with respect to the duties of income tax and super-tax respectively granted by this Act.

New scale of annual values for purposes of inhabited house duty.

15. The enactments relating to inhabited house duty shall have effect as if for the references therein to annual values of, exceeding, or not exceeding, as the case may be, the several amounts specified in the first column of the following table there were substituted references to annual values of, exceeding, or not exceeding, as the case may be, the several amounts, respectively, specified in the second column of the said table.

Table.

Existing Annual Values.	Substituted Annual Values.
1. Twenty pounds.	1. Thirty pounds.
2. Forty pounds.	2. Sixty pounds.
3. Sixty pounds.	3. Ninety pounds.

Amendments as to income tax on assurance companies.

16.—(1) Where the profits of an assurance company in respect of its life assurance business are for the purposes of the Income Tax Acts computed in accordance with the rules applicable to Case I of Schedule D, such part of those profits as belongs or is allocated to, or is reserved for, or expended on behalf of, policy-holders or annuitants shall be excluded in making the computation, but if any profits so excluded as being reserved for policy-holders or annuitants cease at any time to be so reserved and are not allocated to or expended on behalf of policy-holders or annuitants, those profits shall be treated as profits of the company for the year in which they ceased to be so reserved.

(2) Where an assurance company carrying on the business of life assurance claims repayment under section thirty-three of the Income Tax Act, 1918, in respect of sums disbursed as expenses of management there shall, in addition to the amount directed by proviso (*b*) of subsection (1) of the said section to be deducted from the amount treated as expenses of management, be deducted therefrom the amount of any profits arising from the granting of annuities on human life.

For the purposes of this subsection, profits arising from the granting of annuities on human life shall be computed in accordance with the rules applicable to Case I of Schedule D:

Provided that in making any such computation—

(*a*) The provisions of subsection (1) of this section shall apply with the necessary modifications and in particular with the omission therefrom of all references to policy-holders; and

(*b*) No deduction shall be allowed in respect of any expenses of management in respect of which repayment of tax may be claimed under the said section thirty-three; and

(*c*) There may be set off against the profits any loss, to be computed on the same basis as the profits, which has arisen in connection with the granting of annuities on human life in any previous year during which this section was in operation.

(3) Where an assurance company carries on both ordinary life assurance business and industrial life assurance business, the business of each such class shall, for the purposes of the Income Tax Acts, be treated as though it were a separate business, and section thirty-three of the Income Tax Act, 1918, shall apply separately to each such class of business.

(4) For the purpose of removing doubts, it is hereby declared that a mutual assurance company carrying on life assurance business is entitled to relief under section thirty-three of the Income Tax Act, 1918, in the same manner and to the same extent as if the business of the company were the business of a proprietary assurance company, and the provisions of this section shall be construed accordingly.

Income tax on leave pay, &c., to be chargeable under Schedule E.

17.—(1) Where any emoluments, pension or annuity are or is payable in Great Britain or Northern Ireland, by or through any public department, officer, or agent of the Government of any part of His Majesty's Dominions, including any territory under His Majesty's protection, but otherwise than out of the public revenue of Great Britain and Northern Ireland or the public revenue of Northern Ireland, to a person who is or has been employed in the service of the Crown outside Great Britain and Northern Ireland in respect of that service, or any pension or annuity is so payable to the widow, child, relative or dependant of any such person as aforesaid, and the person in receipt of the emoluments, pension or annuity is chargeable to income

tax as a person resident in Great Britain or Northern Ireland, the emoluments, pension or annuity shall be chargeable to income tax under Schedule E, and the provisions of the Income Tax Acts relating to the deduction, assessment, and collection of tax in respect of official pay payable at a public office shall apply accordingly with any necessary modifications.

(2) Any deduction on account of income tax made at any time before the passing of this Act which would have been properly made if this section had been in force at the date of the making of the deduction and had referred to the United Kingdom instead of to Great Britain and Northern Ireland or Great Britain or Northern Ireland, shall be deemed to have been properly made under Schedule E.

Provision as to relief from double taxation on profits from the business of shipping.

18.—(1) If His Majesty in Council is pleased to declare—

(*a*) that any profits or gains arising from the business of shipping which are chargeable to British income tax are also chargeable to income tax payable under the law in force in any foreign state; and

(*b*) that arrangements, as specified in the declaration, have been made with the government of that foreign state with a view to the granting of relief in cases where such profits and gains are chargeable both to British income tax and to the income tax payable in the foreign state;

then, unless and until the declaration is revoked by His Majesty in Council, the arrangements specified therein shall, so far as they relate to the relief to be granted from British income tax, have effect as if enacted in this Act, but only if and so long as the arrangements, so far as they relate to the relief to be granted from the income tax payable in the foreign state, have the effect of law in the foreign state.

(2) Any declaration made by His Majesty in Council under this section shall be laid before the Commons House of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty by that House within twenty-one days on which that House has sat next after the declaration is laid before it praying that the declaration may be revoked, His Majesty in Council

may revoke the declaration, and the arrangements specified in the declaration shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new declaration.

(3) The obligation as to secrecy imposed by any enactment with regard to income tax shall not prevent the disclosure to any authorised officer of the foreign state mentioned in the declaration of such facts as may be necessary to enable relief to be duly given in accordance with the arrangements specified in the declaration.

(4) In this section the expression "business of shipping" means the business carried on by an owner of ships, and for the purposes of this definition the expression "owner" includes any charterer.

Exemption from income tax of salaries of High Commissioners, Agents-General and their staffs.

19.—(1) Subject to the provisions of this section, income arising from any office or employment to which this section applies shall be exempt from income tax (including super-tax), and no account shall be taken of any such income in estimating the amount of income for any of the purposes of the Income Tax Acts for the year 1923–24 or any succeeding year of assessment.

(2) The offices and employments to which this section applies are the following, that is to say :—

The office of High Commissioner and the office of Agent-General:

The employment in Great Britain or Northern Ireland as a member of the personal staff of any High Commissioner or Agent-General, or as an official agent for British India or any self-governing dominion, for any state or province of a self-governing dominion, or for any self-governing colony of a person certified by the High Commissioner or Agent-General, as the case may be, to be ordinarily resident outside Great Britain and Northern Ireland and to be resident in Great Britain or Northern Ireland solely for the purpose of the performance of his duties as such member or official agent.

(3) Nothing in this section shall operate to grant relief from income tax (including super-tax) in respect of income arising from the employment of any person in

any trade, business, or other undertaking carried on for the purposes of profit.

(4) In this section—

The expression "High Commissioner" means the High Commissioner for British India or for any of the self-governing dominions;

The expression "Agent-General" means the Agent-General for any state or province of a self-governing dominion or for any self-governing colony:

The expression "self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State or Newfoundland:

The expression "self-governing colony" means any colony certified by a Secretary of State to be a self-governing colony.

Relief from super-tax in respect of establishment of Irish Free State.

20.—(1) Notwithstanding anything in section five of the Income Tax Act, 1918, the Special Commissioners shall, on an application made in that behalf by any person chargeable with super-tax for the year 1923–24, make such an adjustment, by repayment of tax or otherwise, as will reduce the amount of super-tax payable by that person for that year to the amount which would have been payable by him if the Irish Free State had been established on the sixth day of April, nineteen hundred and twenty-two, and if in relation to income tax for the year 1922–23 the Income Tax Acts had had effect subject to the adaptations and modifications thereof for which provision is made by the Orders in Council made under the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), in connection with the establishment of the Irish Free State.

13 Geo. 5. c. 2.

(2) The provisions of the Income Tax Acts and of any regulations made thereunder with respect to appeals against assessments to super-tax (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply in the case of decisions given by the Special Commissioners on applications made under this section as they apply in the case of assessments to super-tax.

21. Subject as hereinafter provided, section thirty-seven of the Income Tax Act, 1918 (which grants exemption in respect of charities), shall, in the case of rents and profits of any lands, tenements, hereditaments, or heritages belonging to any hospital, public school, or almshouse in the Irish Free State, or vested in trustees in the Irish Free State for charitable purposes, and in the case of a body of persons or trust established in the Irish Free State for charitable purposes only, and in the case of income which according to rules or regulations established by Act of Parliament, charter, decree, deed of trust or will in the Irish Free State, is applicable to charitable purposes only, or which, in the names of trustees in the Irish Free State, is applicable solely towards the repairs of any cathedral, college, church or chapel, or any building used solely for the purpose of divine worship, apply, as respects income tax chargeable for the year 1923–24, as if the Irish Free State had not been constituted:

Exemption for charities in Irish Free State in respect of tax for 1923–24.

Provided that this section shall not apply except where the lands, tenements, hereditaments, or heritages belonged to the hospital, public school, or almshouse, or were vested in the trustees, on the fifth day of April, nineteen hundred and twenty-three, or the interest, annuities, dividends, shares of annuities, yearly interest or other annual payment arise from investments which were held by the body of persons, trust, or trustees, or were subject to rules or regulations as aforesaid, on the fifth day of April, nineteen hundred and twenty-three.

22. Subsections (5) and (6) of section thirty-nine of the Income Tax Act, 1918 (which give exemption from income tax in respect of income derived from the funds of approved societies and other authorities under the Acts relating to National Health Insurance), and section thirty-three of the Finance Act, 1921 (which grants exemption from income tax for funds of special and supplementary schemes under the Unemployment Insurance Act, 1920), shall notwithstanding the constitution of the Irish Free State, have effect so far as relates to income tax for the year 1923–24, as though the references therein to enactments relating to National Health Insurance and to the Unemployment Insurance Act, 1920, respectively, included references to the enactments in force in the Irish Free State relating to National Health Insurance and to

Exemption from income tax for 1923–24 of funds of National Health Insurance Authorities and certain unemployment funds in the Irish Free State. 11 & 12 Geo. 5. c. 32. 10 & 11 Geo. 5. c. 30.

Unemployment Insurance, respectively, and as though the reference in the said subsection (5) to the Irish Insurance Commissioners included a reference to the authority charged with the administration in the Irish Free State of the enactments relating to National Health Insurance and to the body of trustees constituted for the purposes of the Government of Ireland (Adaptation of Health Insurance Acts) Order, 1922.

Amendments as to fines and penalties.

23.—(1) Proceedings for the recovery of any fine or penalty incurred under the Income Tax Acts in connection with or in relation to the income tax (including super-tax) charged for the year 1920–21 or any subsequent year of assessment may be commenced at any time within six years next after the date on which it was incurred.

(2) The amount of the penalty which may be recovered in proceedings in any court under section one hundred and seven of the Income Tax Act, 1918 (which imposes penalties for neglect to deliver lists, declarations, and statements), shall be a sum of twenty pounds and treble the amount of the tax with which the offender ought to be charged under that Act instead of a sum of fifty pounds.

(3) The amount of the penalty recoverable under subsection (2) of section one hundred and thirty-two of the Income Tax Act, 1918 (which imposes a penalty on a person who aids, abets, assists, incites, or induces another person to make or deliver a false or fraudulent account, statement, or declaration), or under subsection (2) of section thirty of that Act (which imposes a penalty on a person who aids or abets any person in committing an offence under that section), shall be increased to five hundred pounds.

Relief in respect of error or mistake.

24.—(1) If any person who has paid tax charged under an assessment to income tax made for any year under Schedule D, or according to the Rules applicable to that Schedule, alleges that the assessment was excessive by reason of some error or mistake in the return or statement made by him for the purposes of the assessment, he may, at any time not later than three years after the end of the year of assessment within which the assessment was made, make an application in writing to the Commissioners of Inland Revenue for relief.

(2) On receiving any such application the Commissioners of Inland Revenue shall inquire into the matter and shall, subject to the provisions of this section, give by way of repayment such relief (including any consequential relief from super-tax) in respect of the error or mistake as is reasonable and just:

Provided that no relief shall be given under this section in respect of an error or mistake as to the basis on which the liability of the applicant ought to have been computed where the return or statement was in fact made on the basis or in accordance with the practice generally prevailing at the time when the return or statement was made.

(3) In determining any application under this section the Commissioners of Inland Revenue shall have regard to all the relevant circumstances of the case, and in particular shall consider whether the granting of relief would result in the exclusion from charge to income tax or super-tax of any part of the profits or income of the applicant, and for this purpose the Commissioners may take into consideration the liability of the applicant and assessments made on him in respect of other years.

(4) Any person who is aggrieved by the determination of the Commissioners of Inland Revenue on an application made by him under this section may, on giving notice in writing to those Commissioners within twenty-one days after the notification to him of their determination, appeal to the Special Commissioners.

(5) The Special Commissioners shall thereupon hear and determine the appeal in accordance with the principles to be followed by the Commissioners of Inland Revenue in determining applications under this section and, subject thereto, in like manner as in the case of an appeal to them against an assessment under Schedule D, and the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications:

Provided that neither the appellant nor the Commissioners of Inland Revenue shall be entitled to require a case to be stated for the opinion of the High Court otherwise than on a point of law arising in connection with the computation of profits or income.

Procedure on appeals before General Commissioners.

25. Paragraph (*a*) of subsection (3) of section one hundred and thirty-seven of the Income Tax Act, 1918, shall be read and construed as if for the word "may" wherever the same occurs therein were substituted the word "shall" and as if for the words "or may" there were substituted the words "and shall."

Provisions as to appeals against Schedule A, Schedule B, and inhabited house duty assessments.

26.—(1) Where by virtue of any enactment the annual value of any property which has been adopted for the purpose either of income tax under Schedule A, or of income tax under Schedule B, or of inhabited house duty for any year is to be taken as the annual value of that property for the same purpose for any subsequent year, any occupier of any property, or any owner or other person in receipt of the rent of any property, who is aggrieved by the amount so to be taken as the annual value of the property shall be entitled to appeal to the General Commissioners against an assessment to income tax under Schedule A or under Schedule B, or to inhabited house duty in respect of that property for that subsequent year, and the General Commissioners shall hear and determine the appeal and confirm or amend the assessment, as the case may require, in the same manner as if the annual value of the property so to be taken were the annual value determined for that subsequent year, in accordance with the provisions of the Income Tax Acts or of the Acts relating to inhabited house duty, as the case may be.

(2) On any appeal against an assessment of annual value for the purposes of income tax under Schedule A or of inhabited house duty, or against an assessment to income tax under Schedule A, or under Schedule B, or to inhabited house duty, the General Commissioners shall permit any agent appointed by the appellant to plead before them on his behalf.

Right of appeal in respect of Schedule A values and assessments for 1923–24.

27.—(1) Without prejudice to any right of appeal under the Income Tax Acts or the Acts relating to inhabited house duty, any person aggrieved by the amount of the annual value of any property assessed under section thirty-two of the Finance Act, 1922, shall be entitled to appeal to the General Commissioners against the assessment of annual value if he gives to the surveyor notice in writing of his intention to appeal, not later than the thirty-first day of August, nineteen hundred and twenty-three, or, where the notice of assessment was not given

before the first day of July, nineteen hundred and twenty-three, not later than the thirtieth day of September, nineteen hundred and twenty-three.

(2) Any occupier of any property or any owner or other person in receipt of the rent of any property, although not the occupier thereof, who is aggrieved by the amount of the annual value of the property assessed under section thirty-two of the Finance Act, 1922, shall be entitled, if a notification of the value so assessed was not delivered to him, to appeal against an assessment to income tax under Schedule A or to inhabited house duty in respect of that property for the year 1923–24, if he gives to the surveyor not later than the fifth day of April, nineteen hundred and twenty-five, notice in writing of his intention to appeal, and on any such appeal the Commissioners may confirm or amend the assessment as the case may require, and the provisions of the Income Tax Acts relating to appeals against assessments to income tax under Schedule A, and the relevant provisions of the Acts relating to inhabited house duty shall, with any necessary modifications, apply respectively to appeals under this subsection :

Provided that nothing in this subsection shall affect the collection or recovery of any tax or duty assessed and charged, and, where any assessment is reduced on an appeal under this subsection, any tax or duty overpaid shall be repaid.

Amendment as to allowance for repairs.

28.—(1) The following paragraphs shall be substituted for paragraphs (i) and (ii) of paragraph (1) (*b*) of Rule 7 of No. V. in Schedule A (which relates to the allowance for repairs) :—

" (i) Where the owner is occupier or chargeable as landlord, or where a tenant is occupier and the landlord has undertaken to bear the cost of repairs, by a sum equal to the amount of the authorised reduction hereinafter mentioned ; and

" (ii) Where a tenant is occupier and has undertaken to bear the cost of repairs, by such a sum, not exceeding the amount of the authorised reduction, as may be necessary to reduce the amount of the assessment to the amount of rent payable by him :

"Provided that the amount by which an assessment is reduced shall not, in the case of an assessment exceeding the amount of forty pounds, be less than it would have been if the amount of the assessment had been forty pounds."

(2) The following paragraph shall be inserted at the end of the said Rule 7:—

"(3) The authorised reduction for the purposes of this Rule shall be—

"(*a*) Where the amount of the assessment does not exceed forty pounds.	A sum equal to one-fourth part of the amount of the assessment.
"(*b*) Where the amount of the assessment exceeds forty pounds but does not exceed one hundred pounds.	A sum equal to one-fifth part of the amount of the assessment.
"(*c*) Where the amount of the assessment exceeds one hundred pounds.	Twenty pounds, together with a sum equal to one-sixth part of the amount by which the assessment exceeds one hundred pounds."

(3) Paragraph (2) of the said Rule 7 shall have effect as if after the words "one-eighth" there were inserted the words "below the rent" and as if for the words "is more than one-sixth below the rent" there were substituted the words "is less than the rent by a "sum greater than the authorised reduction which would "be allowable if the assessment were on the amount of the "rent," and in paragraph (1) of Rule 8 of the said No. V. in Schedule A for the reference to one-sixth part of the value there shall be substituted a reference to the authorised reduction.

(4) Nothing in this section shall affect the validity of any notice of assessment of annual value under section thirty-two of the Finance Act, 1922, given before the commencement of this Act, but the occupier of any property, or the owner or other person in receipt of the rent of any property, who is aggrieved by the amount by which the assessment has been reduced for the purposes

of collection under the provisions of Rule 7 of No. V. in Schedule A, as amended by this section, shall be entitled to appeal on the matter if he gives to the surveyor, not later than the fifth day of April, nineteen hundred and twenty-five, notice in writing of his intention to appeal, and on any such appeal the Commissioners shall make such amendment (if any) in relation to the reduction as the case may require, and the provisions of the Income Tax Acts relating to appeals against assessments to income tax under Schedule A shall, with any necessary modifications, apply to appeals under this subsection:

Provided that nothing in this subsection shall affect the collection or recovery of any tax assessed and charged, and, where the amount of any reduction is increased on an appeal under this subsection, any tax overpaid shall be repaid.

(5) This section shall, unless Parliament otherwise determines, cease to have effect on the fifth day of April, nineteen hundred and twenty-eight.

Time within which assessments may be amended, additional assessments made, &c.

29.—(1) Subject to the provisions of this section, an assessment, an additional first assessment or a surcharge in respect of income tax chargeable for the year 1920–21 or any subsequent year of assessment may be amended or made, as the case may be, under section one hundred and twenty-five of the Income Tax Act, 1918, or section one hundred and twenty-six of that Act, at any time not later than six years after the end of the year to which the assessment relates or the year for which the person liable to income tax ought to have been charged.

(2) Subject to the provisions of this section, the time during which an assessment to super-tax may be amended, or an assessment or additional assessment to super-tax made under subsection (7) of section seven of the Income Tax Act, 1918, shall, in the case of assessments in respect of super-tax chargeable for the year 1920–21 or any subsequent year of assessment, be extended so as to include any time within six years after the end of the year of assessment.

(3) For the purposes of the charge of income tax or super-tax on the executors or administrators of a deceased person in respect of the profits or gains or income which arose or accrued to him before his death, the time allowed by the foregoing provisions of this section shall not extend

beyond the end of the third year next following the year of assessment in which the deceased person died.

Time within which claims for repayment may be made.

30.—(1) Section forty-one of the Income Tax Act, 1918, and Rule 5 of No. V of Schedule A (which fix the period within which certain claims for repayment of income tax may be made) shall, so far as relates to claims for repayment in respect of income tax charged for the year 1920–21 or for any subsequent year of assessment, have effect as though a period of six years after the expiration of the year of assessment were substituted for a period of three years after the expiration of the year of assessment.

(2) Section twenty-five of the Income Tax Act, 1918 (which grants relief from tax in respect of income accumulated under trusts) shall, in the case of such a contingency as is referred to in that section happening in the year 1920–21 or in any subsequent year of assessment, have effect as though a period of six years after the end of the year of assessment in which the contingency happens were substituted for a period of three years after the end of the year of assessment in which the contingency happens.

(3) Any provision of the Income Tax Acts which authorises a claim for repayment of income tax to be made at the end of any year of assessment or within a specified period of less than one year after the end of any year of assessment shall be amended so as to authorise the making of the claim within a period of one year after the end of the year of assessment.

Determination of annual values for purposes of income tax under Schedule B for 1923–24.

31.—(1) In ascertaining in accordance with the Rules of Schedule B the annual values of lands, tenements, hereditaments and heritages for the purpose of assessments to income tax under Schedule B for the year 1923–24, those values shall be estimated and determined as for the year 1922–23, and assessments to tax shall be made accordingly:

Provided that, if any person who has been assessed to income tax under Schedule B for the year 1923–24 in respect of the occupation of any land, tenement, hereditament or heritage proves to the satisfaction of the General Commissioners that the annual value of that land, tenement, hereditament or heritage for the year 1923–24 is less than the annual value on which the assessment was based, he shall be entitled to have the assessment

reduced to an amount based on the annual value for the year 1923–24 as estimated in accordance with the rules applicable to Schedule B.

(2) This section shall not apply as respects Scotland or Northern Ireland, or as respects lands, tenements, hereditaments and heritages in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is by that Act made conclusive for the purposes of income tax. 32 & 33 Vict. c. 67.

Part III.

National Debt.

New sinking fund and annual charges for national debt. 38 & 39 Vict. c. 45.

32.—(1) The provisions contained in the Sinking Fund Act, 1875, and the provisions contained in any subsequent Acts amending that Act, with respect to the permanent annual charge for the national debt and the new sinking fund shall cease to have effect, and in lieu thereof the following provisions of this section shall have effect.

(2) There shall be issued out of the Consolidated Fund or the growing produce thereof at such times and in such manner as the Treasury may, from time to time, direct, so however that the whole amount of the sum to be issued in respect of any financial year shall be issued in that financial year, the sums following, that is to say :—

In the financial year ending on the thirty-first day of March, nineteen hundred and twenty-four, the sum of forty million pounds :

In the financial year ending on the thirty-first day of March, nineteen hundred and twenty-five, the sum of forty-five million pounds :

In the financial year ending on the thirty-first day of March, nineteen hundred and twenty-six, and in every subsequent financial year, unless and until Parliament otherwise determines, the sum of fifty million pounds.

(3) The sum to be issued as aforesaid in each financial year (which shall be called "the new sinking fund (1923)") shall be applied within nine months after the date of the issue thereof in the purchasing, redeeming, or paying off any description of debt charged on the

Consolidated Fund (including such part as represents capital of the terminable annuities which would, if this Act had not passed, have been payable out of the said permanent annual charge), other than advances made by the Bank of England or the Bank of Ireland under section twelve of the Exchequer and Audit Act, 1866, or loans raised under any Act to meet ways and means.

29 & 30 Vict. c. 39.

(4) The new sinking fund (1923) except such part thereof as, in the opinion of the Treasury, is from time to time required for meeting charges in connection with the redemption of loans repayable outside the United Kingdom, shall be issued to the National Debt Commissioners for the purpose of being applied by them in manner provided by the foregoing provisions of this section, and the provisions of section seven of the Sinking Fund Act, 1875 (which relates to accounts of the new and old sinking funds), shall apply in relation to the new sinking fund established by this section as they apply in relation to the new sinking fund established by that Act, and all securities purchased or redeemed in pursuance of this section, except four pounds per cent. Victory Bonds and four pounds per cent. Funding Loan, 1960–90, purchased by the National Debt Commissioners, shall be cancelled forthwith in such manner as the Treasury may from time to time direct.

(5) Such sums as are required for meeting the annual charges in respect of or in connection with the national debt (including such part of the said terminable annuities as represents interest) which would, if this Act had not passed, have been payable out of the said permanent annual charge, shall be issued out of the Consolidated Fund or the growing produce thereof at such times and in such manner as the Treasury may from time to time direct.

9 & 10 Geo. 5. c. 37.

(6) Any sums paid in pursuance of section three of the War Loan Act, 1919, to the National Debt Commissioners for the purpose of the purchase by those Commissioners of four pounds per cent. Victory Bonds or four pounds per cent. Funding Loan, 1960–90, shall, for the purposes of this section, be deemed to be sums applied in purchasing, redeeming or paying off debt.

Amendment as to sums raised by national

33.—(1) After the commencement of this Act no sums shall be issued to the National Debt Commissioners in respect of sums raised by the issue of national savings

certificates under section fifty-nine of the Finance Act, 1920, and all sums so raised shall be issued and applied in reduction of debt in manner provided by that section. savings certificates.

(2) The power of the Treasury under section five of the War Loan (Supplemental Provisions) Act, 1915, as amended by section two of the War Loan Act, 1918, to make regulations with respect to the manner in which and the conditions under which money authorised to be raised under any enactments authorising the raising of money for the purpose of the late war may be raised through the Post Office, shall extend to money raised by the issue of national savings certificates under section fifty-nine of the Finance Act, 1920, or under any subsequent enactment. 5 & 6 Geo. 5. s. 93. 8 & 9 Geo. 5. c. 25.

34. Paragraph (*c*) of subsection (1) of section sixteen of the Finance Act, 1911 (which directs the issue out of the old sinking fund for the financial year ending the thirty-first day of March, nineteen hundred and eleven, of sums not exceeding in the whole two hundred and fifty thousand pounds), is hereby repealed, and the whole of the said sum of two hundred and fifty thousand pounds shall for the purposes of the said section be deemed to have been issued and repaid. Amendment of s. 16 of 1 & 2 Geo. 5. c. 48.

35. Section fifty-eight of the Finance Act, 1920 (which provides that amounts applied out of revenue in paying off debt are to be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875), shall apply in relation to the current financial year as it applied in relation to the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one. Continuance during current financial year of s. 58 of 10 & 11 Geo. 5. c. 18.

Part IV.

Miscellaneous and General.

36.—(1) Part V. of the Finance Act, 1920 (which imposes corporation profits tax), shall have effect as if two-and-a-half per cent. of the taxable profits were substituted as the rate of duty for five per cent. of those profits for any accounting period beginning on or after the first day of July, nineteen hundred and twenty-three, and, in the case of an accounting period which Reduction of corporation profits tax.

began before but ends on or after that date, as if two-and-a-half per cent. were substituted for five per cent. as respects so much of the profits as may under this section be apportioned to the part of the period beginning on the date aforesaid.

(2) Proviso (*b*) to subsection (1) of section fifty-two of the Finance Act, 1920, shall have effect in relation to profits arising in an accounting period beginning on or after the first day of July, nineteen hundred and twenty-three, as though a reference to five per cent. of the balance of the profits of the accounting period were substituted for the reference to ten per cent. of the balance of the profits of the accounting period, and in the case of an accounting period of which part is before and part after the beginning of the first day of July, nineteen hundred and twenty-three, as though a reference to five per cent. were substituted for the reference to ten per cent. as respects so much of the balance of the profits as may, under the provisions of this section, be apportioned to the later part of the period.

(3) Where part of an accounting period is before and part after the beginning of the first day of July, nineteen hundred and twenty-three, the profits arising in that period, or the balance of those profits, as the case may require, shall be apportioned between the time up to and the time after the beginning of that day in proportion to the number of months or fractions of months before and after the beginning of that day respectively.

(4) An assessment (including an additional assessment) to corporation profits tax in respect of the profits of any accounting period ending on any date after the commencement of this Act, or on any date not more than three years before the commencement of this Act, may be made at any time within six years after the end of the accounting period.

Provision as to inclusion of property outside Great Britain in property passing on the death of a deceased person.

37.—(1) Where property situate out of Great Britain is bequeathed to or settled on different persons in succession and legacy duty or succession duty has, whether before or after the commencement of this Act, been paid thereon, such duty shall, for the purposes of subsection (2) of section two of the Finance Act, 1894 (which provides that property situate out of Great Britain shall be deemed to be included in property passing on the death of the

deceased only if legacy or succession duty is payable in respect thereof, or would be so payable but for the relationship of the person to whom it passes), be deemed to be payable in respect of the property on the death of each of those persons in succession, notwithstanding that the whole amount of the duty was paid on one death only as in the case of a legacy to one person. 57 & 58 Vict. c. 30.

(2) This section shall apply in the case of property passing on the death of a person who dies on or after the sixteenth day of April, nineteen hundred and twenty-three.

38. As from the commencement of this Act, such parts of section four of the Finance (1909–10) Act, 1910, as are not repealed by section fifty-seven of the Finance Act, 1920, shall be repealed. Repeal of s. 4 of Finance (1909–10) Act, 1910. 10 Edw. 7 & 1 Geo. 5. c. 8.

39.—(1) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act, and so far as it relates to duties of excise, shall be construed together with the Acts which relate to the duties of excise and the management of those duties. Construction, short title, application, and repeal.

Part II. of this Act shall be construed together with the Income Tax Acts and the Acts relating to inhabited house duty.

(2) This Act may be cited as the Finance Act, 1923.

(3) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(4) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 45.	The Sinking Fund Act, 1875.	Sections one and three.
50 & 51 Vict. c. 16.	The National Debt and Local Loans Act, 1887.	Section two.
1 & 2 Geo. 5. c. 48.	The Finance Act, 1911 -	In subsection (1) of section sixteen the words from "and (*c*) to" to the end of the subsection and in subsection (2) of the said section the words from "the Treasury may" to "pounds."
6 & 7 Geo. 5. c. 11.	The Finance (New Duties) Act, 1916.	Section five, and in section six the words "and cider" and the words "or cider," wherever those words occur.
6 & 7 Geo. 5. c. 24.	The Finance Act, 1916 -	Section eight, and in section nine the words "and by "persons who sell cider "or perry," and in section twelve the words "who "are under the age of "sixteen years and."
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Paragraph (*b*) of subsection (3) of section one hundred and thirty-seven.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 -	In subsection (1) of section fifty-nine the words "invested or" and subsection (4) of the said section.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921 -	Section seven, and paragraph (2) of section eight.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922 -	Subsections (1) and (3) of section thirteen, and section twenty-four.

CHAPTER 15.

An Act to provide for the transfer of certain property, rights, duties and liabilities in or in connection with the Island of Alderney.

[18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of property, &c.

1.—(1) It shall be lawful for His Majesty from time to time by Order in Council to provide for the transfer and vesting of any property, rights, duties and liabilities of His Majesty or of any Government department in or in connection with the Island of Alderney to or in any Government department, or the States of Alderney or any person or persons appointed by the States of Alderney in that behalf.

(2) Any transfer effected by Order in Council under this Act shall be deemed to have taken effect as from such date or dates as may be specified in the Order, and the Order may provide that the transfer shall be subject to such terms and conditions as may be specified in the Order, and may contain such consequential and supplemental provisions as appear to His Majesty to be necessary or expedient for the purpose of giving full effect to the Order, and may be revoked or varied by a subsequent Order.

Short title.

2. This Act may be cited as the Alderney (Transfer of Property, &c.) Act, 1923.

CHAPTER 16.

An Act to consolidate and amend the enactments relating to Salmon and Freshwater Fisheries in England and Wales. [18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PROHIBITION OF CERTAIN MODES OF TAKING AND DESTROYING FISH.

Prohibition of fishing with lights, spears, &c.

1.—(1) No person shall—

(*a*) use any light for the purpose of taking salmon, trout, or freshwater fish; or

(*b*) use any otter lath or jack, wire or snare, spear, gaff (except as hereinafter provided), stroke-haul, snatch, or other like instrument for taking or killing salmon, trout, or freshwater fish; or

(*c*) have in his possession a light or any of the foregoing instruments, in such circumstances as to satisfy the court before which he is charged that he intended at the time to take or kill salmon, trout, or freshwater fish by means thereof; or

(*d*) throw or discharge any stone or other missile into any water for the purpose of taking or killing, or facilitating the taking or killing, of any salmon or trout.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court before which he is charged that the act was done for the purpose of the preservation or development of a private fishery and with the previous

permission in writing of the fishery board, or, where there is no fishery board, of the Minister.

(3) For the purposes of this section—

(*a*) The expression "otter lath or jack" includes any small boat or vessel, board, stick, or other instrument, whether used with a hand line, or as auxiliary to a rod and line, or otherwise for the purpose of running out lures, artificial or otherwise;

(*b*) The expression "strokehaul or snatch" includes any instrument or device, whether used with a rod and line or otherwise, for the purpose of foul hooking any fish.

(4) This section shall not apply to any person using a gaff (consisting of a plain metal hook without a barb) or tailer as auxiliary to angling with a rod and line.

Prohibition of using roe.

2.—(1) No person shall, for the purpose of fishing for salmon, trout or freshwater fish—

(*a*) use any fish roe, or

(*b*) buy, sell, or expose for sale, or have in his possession any roe of salmon or trout.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

Prohibition of taking unclean or immature fish.

3.—(1) No person shall—

(*a*) knowingly take, kill, or injure, or attempt to take, kill, or injure any salmon, trout, or freshwater fish which is unclean or immature within the meaning of this Act; or

(*b*) buy, sell, or expose for sale, or have in his possession any salmon, trout, or freshwater fish which is unclean or immature within the meaning of this Act, or any part of any such fish.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) This section shall not apply to any person who takes a fish accidentally and returns it to the water with the least possible injury.

Prohibition of disturbing fish spawning.

4.—(1) No person shall wilfully disturb any spawn or spawning fish, or any bed, bank, or shallow on which any spawn or spawning fish may be.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) This section shall not prejudice the legal right of any person to take materials from any waters.

Saving for acts done for artificial propagation or scientific purposes.

5. A person shall not be liable to any penalty under any of the provisions of the three last foregoing sections in respect of any act, if he does the act for the purpose of the artificial propagation of salmon, trout, or freshwater fish, or for some scientific purpose, or for the purpose of the preservation or development of a private fishery and has obtained the previous permission in writing of the fishery board if the act was done in a fishery district where there is a fishery board, or in any other case of the Minister.

Prohibition of certain modes of working nets.

6.—(1) No person shall, in any fishery district, shoot or work any seine or draft net for salmon or migratory trout in any waters across more than three-fourths of the width thereof, or within one hundred yards from the nearest point in the line of shot of any other seine or draft net worked in like manner and already shot or being worked in the waters, before such last-mentioned net is fully drawn in and landed.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

Prohibition of use of certain nets.

7.—(1) No person shall take or attempt to take salmon or migratory trout with any net having a mesh of less dimensions than two inches in extension from knot to knot (the measurement to be made on each side of the square), or eight inches measured round each mesh when wet, except in the case of a landing net in use as auxiliary to angling with rod and line.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) The placing of two or more nets the one behind the other, or near to each other in such manner as practically to diminish the mesh of the nets used, or the covering of the nets used with canvas, or the using of any

other artifice so as to evade the provisions of this section with respect to the mesh of nets, shall be deemed to be a contravention of this section:

Provided that nothing in this section shall render any person liable to a penalty for using in any place a net having a mesh of smaller dimensions than in this section specified, if the use of such a net is for the time being determined to be lawful in that place by a byelaw under this Act.

Protection of waters containing fish from poisonous matter and trade effluents.

8.—(1) No person shall cause or knowingly permit to flow, or put or knowingly permit to be put, into any waters containing fish, or into any tributaries thereof, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish, and if any person contravenes this subsection he shall be guilty of an offence against this Act:

Provided that—

(*a*) a person shall not be so liable to any penalty for any act done in the exercise of any right to which he is by law entitled or in continuation of a method in use in connection with the same premises prior to the passing of this Act, if he proves to the satisfaction of the court before which he is charged that he has used the best practicable means, within a reasonable cost, to prevent such matter from doing injury to fish or to the spawning grounds, spawn or food of fish;

(*b*) nothing in this subsection shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not passed, or exempt any person from any penalty to which he would otherwise be subject, or make lawful any act or default which would but for this Act be a nuisance or otherwise contrary to law.

(2) No person shall, within a fishery district, discharge any trade effluent into any waters containing fish by means of any new work unless such notice of the proposed construction of the new work has been given to the fishery board or to the Minister as is prescribed by this

section, and, if he does so, he shall be guilty of an offence against this Act: Provided that the fishery board or the Minister may at any time exempt any new work from the operation of this subsection as from the date of the exemption or any earlier date notwithstanding that the provisions of this section as to notice have not been complied with.

Notice of the proposed construction of a new work shall be given to the fishery board or to the Minister—

(*a*) where under any Act or byelaw notice thereof or an application for the approval thereof is required to be given or made to a local authority, then at the same time as such notice or application is given or made; and

(*b*) in any other case not less than three months before the commencement of the work,

and a notice, if not accompanied by plans and specifications of the proposed new work, shall state where such plans and specifications can be inspected at all reasonable times by an officer of the fishery board or of the Ministry, as the case may be.

The expression "new work" means any work constructed after the commencement of this Act or any alteration after such date of any then existing work.

This subsection shall not apply to any work constructed by any sanitary or other local authority in pursuance of any power given by a Public General or Local Act or by a Provisional Order confirmed by Parliament.

(3) Proceedings under this section shall not be instituted except by the fishery board or by a person who has first obtained a certificate from the Minister that he has a material interest in the waters alleged to be affected.

Prohibition against using dynamite and noxious substances for destruction of fish.

9. If any person—

(*a*) uses dynamite or other explosive substance with intent thereby to take or destroy fish in any waters (including any territorial waters adjoining the coast of England or Wales); or

(*b*) puts any poison, lime, or noxious material in any such waters with intent thereby to take or

destroy any of the fish that may then be or may thereafter be put therein; or

(*c*) unlawfully or maliciously cuts through, breaks down or otherwise destroys any dam, floodgate or sluice with intent thereby to take or destroy fish;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

Amendment of the Malicious Damages Act. 24 & 25 Vict. c. 97.

10. Section thirty-two of the Malicious Damages Act, 1861, shall have effect as if the words from "shall unlawfully and maliciously cut through" to "thereafter to be put therein or" were omitted therefrom.

Part II.

Obstructions to Passage of Fish.

Prohibition of placing or using fixed engines for taking or obstructing salmon or migratory trout.

11.—(1) No fixed engine of any description shall be placed or used for taking or facilitating the taking of salmon or migratory trout or for detaining, or obstructing the free passage of, salmon or migratory trout in any inland or tidal waters.

(2) Any engine placed or used in contravention of this section may be taken possession of or destroyed by any person acting under directions to that effect given by a fishery board, or, where there is no fishery board, by the Minister.

(3) Any person who places or uses any engine in contravention of this section shall be guilty of an offence against this Act.

(4) Nothing in this section shall apply—

(*a*) to any fixed engine certified in pursuance of the Salmon Fishery Act, 1865, to be a privileged fixed engine; or 28 & 29 Vict. c. 121.

(*b*) to any fixed engine which was in use for taking salmon or migratory trout during the open

season of eighteen hundred and sixty-one, in pursuance of an ancient right or mode of fishing as lawfully exercised during that open season, by virtue of any grant or charter or immemorial usage; or

(*c*) to fishing weirs or fishing mill dams.

Prohibition of using certain dams for taking salmon or migratory trout.

12.—(1) No fishing weir or fishing mill dam which was not lawfully in use on the sixth day of August, eighteen hundred and sixty-one, by virtue of a grant or charter or immemorial usage, shall be used for the purpose of taking or facilitating the taking of salmon or migratory trout.

(2) If any person uses any weir or dam in contravention of this section, he shall be guilty of an offence against this Act.

Rules for fishing weirs

13.—(1) Where a fishing weir extends more than halfway across any river at its lowest state of water, it shall not be used for the purpose of taking salmon or migratory trout unless it has therein a free gap or opening in accordance with the following regulations:—

(*a*) the free gap must be situate in the deepest part of the river between the points where it is intercepted by the weir:

(*b*) the sides of the gap must be in a line with and parallel to the direction of the stream at the weir:

(*c*) the bottom of the gap must be level with the natural bed of the river above and below the gap:

(*d*) the width of the gap in its narrowest part must be not less than one-tenth part of the width of the river: Provided that it need not be wider than forty feet, and must not be narrower than three feet.

(2) If any person uses any weir in contravention of this section, or makes any alteration in the bed of a river in such manner as to reduce the flow of water

through a free gap, he shall be guilty of an offence against this Act.

Rules for fishing mill dams.

14.—(1) A fishing mill dam shall not be used for the purpose of taking salmon or migratory trout unless it has attached thereto a fish pass of such form and dimensions as may be approved by the Minister, and unless the fish pass is maintained in such a condition and has constantly running through it such a flow of water as will enable salmon and migratory trout to pass up and down the pass.

(2) If any person uses or attempts to use a dam in contravention of this section, he shall be guilty of an offence against this Act.

(3) If a fishing mill dam has not a fish pass attached to it as required by law, the right of using the fishing mill dam for the purpose of taking fish shall be deemed to have ceased and be for ever forfeited, and, if the fishing mill dam is in a fishery district, the fishery board of the district may remove from it any cage, crib, trap, box, cruive, or other obstruction to the free passage of the fish.

Regulations as to boxes and cribs in weirs and dams.

15.—(1) No fishing weir or fishing mill dam shall be used for the taking of salmon or migratory trout by means of boxes or cribs unless the boxes or cribs comply with the following regulations:—

(*a*) the upper surface of the sill of the box or crib must be level with the bed of the river:

(*b*) the bars or inscales of the heck or upstream side of the box or crib must not be nearer to each other than two inches, and must be capable of being removed and must be placed perpendicularly:

(*c*) there must not be attached to any such box or crib any spur or tail wall, leader, or outrigger of a greater length than twenty feet from the upper or lower side of the box or crib.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

Power of fishery board to acquire obstructions or fisheries.

16.—(1) A fishery board may, subject to the provisions of this section, purchase or take on lease (either by agreement or if so authorised compulsorily) any dam, fishing weir, fishing mill dam, fixed engine, or other artificial obstruction, and any fishery attached to or worked in connection with any such obstruction, and may either alter or remove the obstruction, or may by themselves or their lessees, use or work in any lawful manner the obstruction for fishing purposes and exercise the right conferred by any fishery so acquired, subject in the case of an obstruction or fishery acquired by way of lease to the terms of the lease.

(2) For the purposes of the purchase of any such obstruction or fishery by agreement under this section by a fishery board, the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement and with respect to the sale of superfluous land, and section one hundred and seventy-eight of the Public Health Act, 1875, shall apply as if the fishery board were referred to therein.

38 & 39 Vict. c. 55.

(3) Where a fishery board propose to purchase an obstruction or fishery compulsorily under this section, the fishery board may, subject to the provisions of Part I. of the First Schedule to this Act, submit to the Minister an order putting in force as respects the obstruction or fishery specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(4) Where a fishery board propose to hire an obstruction or fishery compulsorily, the fishery board may submit to the Minister an order for the compulsory hiring of the obstruction or fishery specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an order for compulsory purchase, with the substitution of "hiring" for "purchase," and with the modifications set out in Part II. of that Schedule.

(5) An order under this section shall be of no force unless and until it is confirmed by the Minister, and the Minister may, subject to the provisions of the First Schedule to this Act, confirm the order either without

modification or subject to such modifications as he thinks fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Minister shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act:

Provided that, when the order relates to a dam constructed under any Act of Parliament, the order shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(6) Where the obstruction or fishery authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the Conveyancing Act, 1881. 44 & 45 Vict. c. 41.

Restriction on taking salmon or trout above or below an obstruction or in mill races.

17.—(1) No person shall, in any fishery district, take or kill, or attempt to take or kill, except with rod and line, or scare or disturb any salmon or trout—

(*a*) at any place above or below any dam or any obstruction, whether artificial or natural, which hinders or retards the passage of salmon or trout, being within fifty yards above or one hundred yards below the dam or obstruction or within such other distance from the dam or obstruction as may be prescribed by byelaw under this Act; or

(*b*) in any waters under or adjacent to any mill, or in the head race or tail race of any mill, or in any waste race or pool communicating with a mill; or

(*c*) in any artificial channel connected with any such dam or obstruction.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) Nothing in this section shall apply to any legal fishing mill dam not having a crib, box, or cruive, or to any fishing box, coop, apparatus, net, or mode of fishing in connexion with and forming part of such dam or obstruction for purposes of fishing.

(4) Where a fish pass approved by the Minister is for the time being attached to a dam or obstruction, this section shall not be enforced in respect of the dam or obstruction until compensation has been made by the fishery board to the persons entitled to fish in the waters for that right of fishery, such compensation to be settled in case of dispute by a single arbitrator appointed by the Minister.

Supply of water to dams and fish passes.

18.—(1) The sluices (if any) for drawing off the water which would otherwise flow over any dam in waters frequented by salmon or migratory trout shall, unless permission in writing to the contrary is granted by the fishery board, or, where there is no fishery board, by the Minister, be kept shut on Sundays and at all times when the water is not required for milling purposes, in such manner as to cause such water to flow through the fish pass (if any) in or connected with the dam, or if there is no such fish pass, over the dam.

(2) If any person fails to comply with this section, he shall be guilty of an offence against this Act.

(3) This section shall not prevent any person from opening a sluice for the purpose of letting off water in cases of flood, or for milling purposes, or when necessary for the purposes of navigation, or, subject to previous notice in writing being given to the fishery board (if any) or, where there is no fishery board, to the Minister, for cleaning or repairing any dam or mill or the appurtenances thereof.

Penalty for making obstructions without fish passes.

19.—(1) Where since the thirty-first day of August, eighteen hundred and seventy-three, in any waters frequented by salmon or migratory trout—

(*a*) a new dam has been constructed or an existing dam has been raised or otherwise altered so as to create increased obstruction to the passage of salmon or migratory trout, or any other obstruction to the passage of salmon or migratory trout has been created, increased or caused; or

(*b*) a dam which from any cause has been destroyed or taken down to the extent of one-half of its length has been rebuilt or reinstated,

whether such construction, alteration, rebuilding or reinstatement took place before or after the passing of this Act, the owner or occupier for the time being of the dam

or obstruction shall, within such reasonable period as may be required by notice given by the fishery board, or, where there is no fishery board, by the Minister, make and shall thereafter maintain in an efficient state a fish pass for salmon or migratory trout of such form and dimensions as the Minister may approve as part of the structure of, or in connection with, the dam or obstruction, if no such fish pass already exists.

(2) If any such owner or occupier fails to make or fails to maintain in an efficient state such fish pass as is required by this section, he shall be guilty of an offence against this Act.

(3) The fishery board, or, where there is no fishery board, the Minister may cause to be done any work by this section required to be done, and for that purpose may enter on the dam or obstruction or any land adjoining thereto, and may recover the expenses of doing the work in a summary manner from any person in default.

(4) If any person obstructs any person legally authorised whilst doing any act authorised by this section, he shall be guilty of an offence against this Act.

(5) Nothing in this section—

(*a*) shall authorise the doing of anything that may injuriously affect any public waterworks or navigable river canal or inland navigation, or any dock, the supply of water to which is obtained from any navigable river canal or inland navigation, under the provisions of any Act of Parliament; or

(*b*) shall prevent any person from removing a fish pass for the purpose of repairing or altering a dam or other obstruction, so that within a reasonable time the fish pass is restored to its former state of efficiency; or

(*c*) shall apply to any alteration of a dam or other obstruction, not being a re-building or re-instatement of a dam or other obstruction destroyed or taken down to the extent of one-half of its length, if the same as altered does not cause more obstruction to the passage of salmon or migratory trout than was caused by the dam or obstruction as lawfully constructed or maintained at any previous date.

(6) The Minister may, on the recommendation of the fishery board (if any), exempt any dam from the operation of this section, either permanently or for such period as may be specified in the exemption, and subject to such conditions (if any) as the Minister may on the like recommendation impose, and when such condition is imposed any person who fails to comply with the condition shall be guilty of an offence against this Act.

Power for fishery board to construct and alter fish passes.

20.—(1) Any fishery board may, with the written consent of the Minister, construct and maintain in any dam or in connexion therewith a fish pass of such form and dimensions as the Minister may approve, so that no injury be done by such fish pass to the milling power, or to the supply of water of or to any navigable river canal or other inland navigation.

(2) Any fishery board may, with the written consent of the Minister, abolish or alter, or restore to its former state of efficiency, any existing fish pass or free gap, or substitute another fish pass or free gap, so that no injury be done to the milling power, or to the supply of water of or to any navigable river canal or other inland navigation.

(3) If any person injures any such new or existing fish pass, he shall pay the expense incurred by the fishery board in repairing the injury, and any such expense may be recovered by the fishery board in a summary manner.

(4) If any person obstructs any person legally authorised whilst doing any act authorised by this section, he shall be guilty of an offence against this Act.

(5) If any injury is caused to any dam by reason of the construction, abolition, or alteration of a fish pass or the abolition or alteration of a free gap in pursuance of this section, any person sustaining any loss thereby may recover from the fishery board compensation for the injury sustained, the amount of compensation to be determined in default of agreement by a single arbitrator appointed by the Minister.

(6) The Minister shall not give his consent to the construction, abolition, or alteration of a fish pass or the abolition or alteration of a free gap in pursuance of this

section, unless a reasonable notice of the application has been served on the owner and occupier of the dam, fish pass, or free gap, with a plan and specification of the proposed work, and the Minister shall, before giving his consent, take into consideration any objections by the owner or occupier.

(7) For the purposes of this section, a fishery board may purchase so much of the bank adjoining a dam as may be necessary for making or maintaining a fish pass, and may for the purpose of such purchase take the like proceedings as are prescribed by this Act in the case of the compulsory purchase by a fishery board of a dam or obstruction, and those provisions shall apply accordingly.

Approval of fish pass by Minister.

21.—(1) Where a fish pass has received the approval of the Minister, it shall be deemed to be a fish pass in conformity with this Act, notwithstanding that it was not constructed in the manner and by the persons specified in this Act.

(2) The Minister may approve and certify any fish pass that has either before or after the passing of this Act been constructed, if he is of opinion that the fish pass is efficient in all respects and for all purposes, whether constructed under the provisions of this Act or not.

Penalty for injuring or obstructing fish pass or free gap.

22.—(1) If any person—

(*a*) wilfully alters or injures a fish pass; or

(*b*) does any act whereby salmon or trout are obstructed or liable to be obstructed in using a fish pass or whereby a fish pass is rendered less efficient; or

(*c*) alters a dam or the bed or banks of the river so as to render a fish pass less efficient; or

(*d*) uses any contrivance, or does any act whereby salmon or trout are in anywise liable to be scared, hindered, or prevented from passing through a fish pass,

he shall be guilty of an offence against this Act, and shall also in every case pay any expense which may be incurred

in restoring the fish pass to its former state of efficiency, and any such expense may be recovered in a summary manner.

(2) If any person does any act for the purpose of preventing salmon or trout from passing through a fish pass, or takes, or attempts to take, any salmon or trout in its passage through a fish pass, he shall be guilty of an offence against this Act.

(3) If any person places any obstruction, uses any contrivance, or does any act whereby salmon or trout may be scared, deterred, or in any way prevented from freely entering and passing up and down a free gap at all periods of the year, he shall be guilty of an offence against this Act.

(4) This section shall not apply to a temporary bridge or board used for crossing a free gap, and taken away immediately after the person using it has crossed.

(5) For the purposes of this section, the owner or occupier of a dam shall be deemed to have altered it, if the dam is damaged or destroyed, or is allowed to fall into a state of disrepair, and if after notice served on him by the fishery board (if any) or by the Minister he fails to repair or reconstruct the dam within a reasonable time so as to render the fish pass as efficient as before the damage or destruction.

Erection of gratings to prevent the ingress of salmon or migratory trout into artificial channels.

23.—(1) Where water is diverted from waters frequented by salmon or migratory trout by means of any conduit or artificial channel and the water so diverted is used for the purposes of a water or canal undertaking or for the purposes of any mill, the owner of the undertaking or the occupier of the mill shall, unless an exemption from the obligation is granted by the fishery board (if any), or by the Minister, place and maintain, at his own cost, a grating or gratings across the conduit or channel, for the purpose of preventing the descent of the salmon or migratory trout.

(2) In the case of any such conduit or artificial channel the owner of the undertaking or the occupier of the mill shall also, unless an exemption is granted as aforesaid, place and maintain at his own cost a grating

or gratings across the outfall (if any) of the conduit or channel for the purpose of preventing salmon or migratory trout entering the outfall.

(3) A grating shall be constructed and placed in such manner and position as may be approved by the Minister.

(4) If any person without lawful excuse fails to place or to maintain a grating in accordance with this section, that person shall be guilty of an offence against this Act.

(5) No such grating shall be so placed as to interfere with the passage of boats on any navigable canal.

(6) The obligations imposed by this section shall not be in force during such period (if any) in each year as may be prescribed by byelaw under this Act, and the obligations imposed by this section on the occupier of a mill shall apply only in a case where the conduit or channel is constructed after the passing of this Act.

Power for fishery board to place gratings in water-courses.

24.—(1) A fishery board may, with the written consent of the Minister, cause to be placed and maintained at the expense of the board, in any watercourse, mill race, cut, leat, conduit, or other channel for conveying water for any purpose from any waters frequented by salmon or migratory trout at or near the points of divergence and return, or either of them, or in any other suitable place, a grating or gratings of such form and dimensions as they may determine;

Provided that nothing in this section shall—

(*a*) affect the liability of any person to place and maintain a grating under the provisions of this Act; or

(*b*) authorise a grating to be so placed or maintained during any period of the year during which under a byelaw made by the fishery board gratings need not be maintained; or

(*c*) authorise any grating to be placed or maintained so as to obstruct any conduit or channel used for navigation or in any way to interfere with the effective working of any mill.

(2) The grating for the purpose of this and the preceding section shall be any device approved by the Minister for preventing the passage of salmon or trout through the conduit or channel in which it is placed.

(3) In any case in which a grating is placed under this section, the fishery board may, if they deem it expedient, with the written consent of the Minister, cause any watercourse, mill race, cut, leat, conduit or other channel to be widened or deepened at the expense of the board so far as may be necessary to compensate for the diminution of any flow of water caused by the placing of the grating, or shall take some other means to prevent the flow of water being prejudicially diminished or otherwise injured.

(4) A fishery board may, with the written consent of the Minister, adopt such means as the Minister may approve for preventing the ingress of salmon or trout into waters in which they or their spawning beds or ova are, from the nature of the channel or other causes, liable to be destroyed, but so that no water rights used or enjoyed for the purposes of manufacturing or milling purposes, or for drainage or navigation, be prejudicially interfered with thereby.

(5) If any person,—

(*a*) injures any such grating or other device; or

(*b*) removes any such grating or other device or part thereof, except during any period of the year during which under a byelaw made by the fishery board gratings need not be maintained; or

(*c*) opens any such grating or other device improperly; or

(*d*) permits any such grating or other device to be injured, or removed, except as aforesaid, or improperly opened; or

(*e*) obstructs any person legally authorised whilst doing any act authorised by this section,

he shall be guilty of an offence against this Act.

(6) The provisions of this Act relating to compensation for injury by the construction of a fish pass by a fishery board and to the consent of the Minister to such construction, shall apply to compensation for injury caused by

anything done by a fishery board under this section and to any consent of the Minister under this section.

Limitation on the time for claiming compensation.

25. In any case in which a fishery board are liable to pay compensation under this Act in respect of injury or damage caused by the making or maintaining of any work, compensation shall not be recoverable unless proceedings for the recovery thereof are instituted within two years from the date of the completion of the work in respect of which the compensation is claimed.

PART III.

TIMES OF FISHING AND SELLING, AND EXPORTING FISH.

Salmon and Trout.

Annual close season for salmon.

26.—(1) No person shall—

(*a*) fish for, take, kill, or attempt to take or kill salmon (except with a rod and line or putts and putchers) during the annual close season; or

(*b*) fish for, take, kill, or attempt to take or kill salmon with a rod and line during the close season for rods; or

(*c*) fish for, take, kill, or attempt to take or kill salmon with putts or putchers during the close season for putts and putchers.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act:

Provided that a person shall not be liable to a penalty under this section for any act done for the purpose of the artificial propagation of fish, or for some scientific purpose, if that person has obtained the previous permission in writing of the fishery board (if any) or of the Minister.

(3) The annual close season shall be in any place the period which has been fixed in that behalf by a byelaw under this or any other Act, or, if there is no such byelaw, the period between the thirty-first day of August and the first day of February following.

(4) The close season for rods shall be in any place the period which has been fixed in that behalf by a bye-law under this or any other Act, or, if there is no such byelaw, the period between the thirty-first day of October and the first day of February following.

(5) The close season for putts and putchers shall be the period between the commencement of the annual close season and the first day of May following.

Weekly close time for salmon.

27.—(1) No person shall fish for, take, kill, or attempt to take or kill salmon (except with a rod and line or putts and putchers) during the weekly close time.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) The weekly close time shall be in any place the period which has been fixed in that behalf by a byelaw under this or any other Act, or, if there is no such byelaw, the period between the hour of six on Saturday morning and the hour of six on the following Monday morning.

Removal of fixed engines during close season and close time.

28. The occupier of any fixed engine for taking salmon shall forthwith, after the commencement of the annual close season and until the end of that season, and in the case of putts and putchers until the end of the close season of putts and putchers, and also (except in the case of putts and putchers) during the weekly close time, cause the fixed engine to be removed or rendered incapable of taking or obstructing the passage of salmon.

(2) If any person contravenes or fails to comply with this section, he shall be guilty of an offence against this Act.

Penalty for obstructing salmon in close season.

29. If any person during the annual close season or weekly close time places any obstruction, uses any contrivance, or does any act, for the purpose of deterring salmon from passing up a river, he shall be guilty of an offence against this Act:

Provided that—

(*a*) Nothing in this section shall apply to any kind of fishing for fish other than salmon legally practised in any waters:

(*b*) The provisions of this section as to the weekly close time shall not apply to putts and putchers.

Prohibition on selling salmon at certain times.

30.—(1) No person shall buy, sell, or expose for sale, or have in his possession for sale any salmon or part of any salmon, between the thirty-first day of August and the first day of February following.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) This section shall not apply to any person buying selling, or exposing for sale, or having in his possession for sale—

(*a*) any salmon which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved beyond the limits of Great Britain and Ireland; or

(*b*) any salmon which has been canned, frozen, cured, salted, pickled, dried or otherwise preserved within Great Britain or Ireland between the first day of February and the thirty-first day of August in any year; or

(*c*) any salmon (not being an unclean salmon) caught beyond the limits of Great Britain and Ireland; or

(*d*) any salmon (not being an unclean or immature salmon) caught within Great Britain or Ireland, if its capture by any net, instrument, or device other than a rod and line was lawful at the time and in the place where it was caught.

(4) The burden of proving that any salmon bought, sold, exposed for sale, or in the possession of any person for sale between the thirty-first day of August and the first day of February following, is not bought, sold, exposed for sale, or in the possession of that person for sale in contravention of this section, shall lie on the person buying, selling, or exposing for sale, or having in his possession for sale such salmon.

Close season and close time for trout.

31.—(1) No person shall fish for, take, kill, or attempt to take or kill trout—

(*a*) except with a rod and line, during the annual close season for trout; or

(*b*) with a rod and line during the annual trout close season for rod and line; or

(*c*) except with a rod and line, during the weekly close time for trout.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act:

Provided that a person shall not be liable to a penalty under this section for any act done for the purpose of the artificial propagation of fish, the stocking or restocking of waters, or for some scientific purpose, if that person has obtained the previous permission in writing of the fishery board (if any) or of the Minister.

(3) The annual close season for trout shall in any place in which a period has been fixed in that behalf by a byelaw under this or any other Act be that period, or, if there is no such byelaw, be the period between the thirty-first day of August and the first day of March following.

(4) The annual trout close season for rod and line shall be in any place the period which has been fixed in that behalf by a byelaw under this or any other Act, or, if there is no such byelaw, the period between the thirtieth day of September and the first day of March following.

(5) The weekly close time for trout shall be in any place the period which has been fixed in that behalf by a byelaw under this or any other Act, or, if there is no such byelaw, the period between the hour of six on Saturday morning and the hour of six on the following Monday morning.

(6) The provisions of this Act penalising the obstruction of salmon during the annual close season or the weekly close time, shall apply to migratory trout as if they were herein re-enacted and in terms made applicable to migratory trout and the annual close season and the weekly close time for migratory trout.

(7) This section shall not apply to rainbow trout.

Prohibition against sale of trout.

32.—(1) No person shall buy, sell, or expose for sale or have in his possession for sale any trout between the thirty-first day of August and the first day of March following, and, if any person contravenes this section, he shall be guilty of an offence against this Act: Provided that a person shall not be liable to a penalty under this section for any act done for the purpose of the artificial propagation of fish, or the stocking or restocking of waters, or for some scientific purpose.

(2) This section shall not apply to rainbow trout.

Provisions as to exportation of salmon and trout.

33.—(1) No person shall export or enter for exportation any unclean salmon or trout, or any salmon or trout caught during the time at which the sale of salmon or trout is prohibited in the district in which the salmon or trout was caught.

(2) The burden of proving that any salmon or trout entered for exportation between the thirty-first day of August and the first day of May following is not so entered in contravention of the preceding subsection shall lie on the person entering the same for exportation.

(3) All salmon or trout intended for exportation between the thirty-first day of August and the first day of May following, shall be entered for that purpose with the proper Officer of Customs and Excise, at the port or place of intended exportation, before shipment thereof.

(4) If any salmon or trout is entered for exportation or exported, or brought to any wharf, quay, or other place for exportation, contrary to this section or is not entered as required by this section, the salmon or trout and any package containing the salmon or trout shall be deemed to be goods forfeited under the enactments relating to customs and the person entering or exporting the salmon or trout, or bringing the salmon or trout for exportation, or failing to enter the salmon or trout as required by this section, shall be guilty of an offence against this Act.

(5) Any Officer of Customs and Excise may, between the thirty-first day of August and the first day of May following, open or cause to be opened any parcel entered or intended for exportation, or brought to any quay, wharf, or other place for that purpose, and suspected by him to contain salmon or trout, and may detain or cause to be detained any salmon or trout found in the parcel until proof is given of the salmon or trout being such as may be legally exported; and if the salmon or trout, before such proof is given, becomes unfit for human food, the Officer may destroy the same or cause the same to be destroyed.

Restrictions on the consignment of salmon or trout.

34.—(1) No person shall consign or send by any common or other carrier any salmon or trout unless the package containing the salmon or trout is conspicuously marked on the outside thereof with the word salmon or trout as the case may be.

(2) Any of the following officers, that is to say—

(*a*) any officer of a fishery board acting within the fishery district;

(*b*) any officer of a market authority acting within the area of the jurisdiction of that authority;

(*c*) any officer appointed for the purpose by the Minister;

(*d*) any officer appointed in writing by the Fishmongers Company;

(*e*) any officer of police,

may open any package so consigned or sent, or brought to any place to be so consigned or sent, and suspected to contain salmon or trout, and if any such package is found to contain salmon or trout and is not marked in accordance with this section, or if there is reasonable cause to suspect that the salmon or trout contained in any marked package is being dealt with contrary to law, may detain such package and the contents thereof until proof is given that the salmon or trout is not being so dealt with, and in like manner and under like conditions may detain any such salmon or trout not packed in any package, and if before such proof is given any salmon or trout detained under the provisions of this section becomes unfit for human food, may destroy the same or cause the same to be destroyed.

(3) If any person contravenes this section or refuses to allow any person acting under the authority thereof to exercise the powers conferred thereby or obstructs any such person in the exercise of those powers, he shall be guilty of an offence against this Act.

(4) For the purposes of this section :—

The expression " market authority " includes any corporation, local authority, body of trustees, or other persons having power to maintain or regulate any market.

The expression " Fishmongers Company " means the wardens and commonalty of the " Mystery of Fishmongers in the City of London."

The expression " salmon " includes a part of a salmon, and the expression " trout " includes a part of a trout.

Freshwater Fish.

Close season for freshwater fish.

35.—(1) No person shall, during the annual close season for freshwater fish, fish for eels by means of a rod and line, or fish for, take, kill, or attempt to take or kill any freshwater fish in any river, or in any lake, tributary, stream, or other water connected or communicating with any river:

Provided that the foregoing provision shall not apply—

(i) to the removal by an owner or occupier of any several fishery, where salmon or trout are specially preserved, from that fishery of any eels or freshwater fish not so preserved;

(ii) to any person fishing with rod and line in any several fishery, where salmon or trout are specially preserved, with the previous permission in writing of the owner or occupier of that fishery;

(iii) to any person fishing with rod and line for eels in any waters in which such fishing is authorised by byelaw made under this Act;

(iv) to any person taking in any several fishery, with the previous permission in writing of the owner or occupier of that fishery, or in any other fishery (except where such taking is prohibited by a byelaw made under this Act) freshwater fish for scientific purposes, or for use as bait.

(2) The annual close season for freshwater fish shall be the period between the fourteenth day of March and the sixteenth day of June, or, if in relation to any waters a different period is substituted by byelaw made under this Act or by any authority having statutory power to make byelaws for the purpose, that substituted period.

(3) No person shall, between the fourteenth day of March and the following sixteenth day of June, buy, sell, or expose for sale or have in his possession for sale any freshwater fish other than fish preserved for use as bait or fish intended for the stocking or re-stocking of any fishery.

(4) If any person contravenes this section, he shall be guilty of an offence against this Act.

Prohibition on using eel baskets, &c., at certain times.

36.—(1) No person shall—

(*a*) between the thirty-first day of December and the twenty-fifth day of June following, hang, fix, or use in any waters frequented by salmon or migratory trout any baskets, nets, traps, or devices for catching eels, or place in any inland water any device whatsoever to catch or obstruct any fish descending the river; or

(*b*) at any time place upon the apron of any weir any basket, trap, or device for taking fish, except wheels or leaps for taking lamperns between the first day of August and the first day of March following.

(2) If any person contravenes this section, he shall be guilty of an offence against this Act.

(3) Nothing in this section, shall extend to prohibit the use of eel baskets not exceeding in any part ten inches in diameter, constructed so as to be fished with bait, and not used at a dam or other obstruction or in any conduit or artificial channel by which water is deviated from a river, or any device for taking eels in such place, during such time, and subject to such conditions as may be authorised by the fishery board with the consent of the Minister, or where there is no fishery board, by the Minister.

PART IV.

FISHERY DISTRICTS AND FISHERY BOARDS.

Power of Minister to make orders.

37. With a view to the maintenance, improvement, and development of the salmon fisheries, trout fisheries, or freshwater fisheries, within any area, the Minister may, upon such application as is hereinafter mentioned, make an order for the regulation of any such fisheries within the area defined by the order.

Contents of the order.

38.—(1) An order under this Part of this Act may provide for—

(*a*) defining the area of the fishery district within which the order is to apply;

(*b*) the constitution and incorporation of a fishery board;

(*c*) excepting from the application to a fishery board so constituted, and an area so defined, any of the provisions of this Act with respect to fishery boards and fishery districts, or modifying in their application to such a board or area any of those provisions;

(*d*) the imposition, collection, and recovery by a fishery board of contributions to be assessed on several fisheries regulated by the order or on the owners or occupiers thereof;

(*e*) enabling the fishery board with the approval of the Minister to erect and work by themselves or their lessees any fixed engine for catching salmon or migratory trout within the area, and for that purpose to purchase or take on lease any fishery land or foreshore specified in the order together with any easement over any adjoining land necessary for securing access to the fishery land or foreshore so acquired :

Provided that any such order—

(i) shall not authorise any such fixed engine to be worked for a period exceeding five years unless the authority is from time to time extended by licence of the Minister for such term as may be specified in the licence and not exceeding at any one time five years, and the Minister shall not grant any such licence until he has inquired into the effect of the working of the engine on the salmon or trout fisheries within the area; and

(ii) shall provide that all rents and profits of the fixed engines authorised by the order to be worked by the fishery board shall be appropriated for the purpose of such measures for the maintenance, improvement, or development of the fisheries in the area as may be approved by the Minister;

(*f*) modifying in relation to the fisheries within the area any of the provisions of this Act which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area;

(*g*) abolishing any fishery board established within the area under this Act or under any Act repealed by this Act, and transferring their property and liabilities to the fishery board constituted by the order, and making such adjustments between the two bodies as may appear to the Minister to be necessary or expedient;

(*h*) altering the area of a fishery district or the constitution of any fishery board established under this Act or under any Act repealed by this Act, and conferring on any fishery board so established any powers which can be conferred on a fishery board established by an order made under this Part of this Act;

(*i*) the payment out of any funds in the hands of the fishery board constituted by the order of the costs of the applicants in obtaining the order, and, where the order requires confirmation by Parliament, the costs of obtaining such confirmation;

(*j*) amending or revoking any previous order made under this Act or any Act repealed by this Act;

(*k*) the general regulation of the fisheries within the area,

and may contain any incidental, consequential, or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

(2) For the purpose of the acquisition of any fishery, land or foreshore or any easements necessary for giving access thereto authorised to be taken compulsorily under any such order, the provisions of the Lands Clauses Acts which relate to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are, subject to the modifications set out in the Second Schedule to this Act, incorporated with this Act.

(3) An order under this Part of this Act shall not apply to any waters in which the business of artificially propagating or rearing salmon or trout is carried on under a licence granted by the Minister, and any such

licence may be granted by the Minister, subject to such conditions (if any) as he thinks fit, and may be revoked if the Minister is of opinion that any condition has not been observed.

Applications for orders.

39.—(1) An application for an order under this Part of this Act may be made by a fishery board constituted under this Act or any Act repealed by this Act, or by a county council, or by persons who in the opinion of the Minister are the owners of one-fourth at least in value of the several fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order, or by any association of persons which in the opinion of the Minister is sufficiently representative of fishing interests within such area.

(2) The applicants shall give such security for expenses of the Minister as he may require.

Procedure for making order.

40.—(1) Before making an order the Minister shall cause notice of the intention to make the order and of the place where copies of the draft order may be inspected and obtained, and of the time within and manner in which objections to the draft order may be made, to be published in the "London Gazette" and in such other manner as he thinks best adapted for informing persons affected, and shall also where the order contains a power to acquire compulsorily any fishery, land or foreshore or any easement over adjoining lands, cause notice to be given to owners, lessees, and occupiers of the fishery, land or foreshore affected in manner provided by rules made by the Minister.

(2) Before making an order the Minister shall consider any objections which may be duly made to the draft order and may in any case cause a public local inquiry to be held with respect to any objections to the draft order.

(3) After an order has been settled and made by the Minister it shall be published in such a manner as he thinks best adapted for informing persons affected with notice that the Minister has settled the order, and that the order will become final and have effect as an Act of Parliament unless within such period, not being less than thirty days as may be stated in the notice, a memorial is presented to the Minister by a fishery board, local

authority, or other person or association affected by the order, praying that the order shall not become law without confirmation by Parliament.

(4) If within such period, not being less than thirty days, as may be stated in the notice so published as aforesaid, no memorial against the order is presented to the Minister by any fishery board, local authority, or other person or association affected thereby, or if every such memorial so presented is withdrawn, the Minister may confirm the order, and the order shall thereupon have effect as if enacted in this Act, but, if any such memorial is presented and is not withdrawn, the order shall be provisional only and shall not have effect unless or until confirmed by Parliament.

(5) The making and confirmation of an order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making and confirmation of such order have respectively been complied with.

(6) The Minister may make regulations in relation to the publication of notices and advertisements under this section and to the holding of and procedure at public local inquiries under this section, and the payment of expenses of and incidental to such inquiries and to any other matters of procedure respecting the making of orders under this section.

Expenses.

41. Any expenses incurred by a fishery board or county council under this Part of this Act in respect of any order or confirming Bill made thereunder, or in respect of any application for any such order, shall, whether or not the application for the order was made by the board or the council, be defrayed—

(*a*) in the case of a fishery board, as other expenses incurred by them under this Act; and

(*b*) in the case of a county council, out of the county fund.

Consents in case of Crown and certain other foreshore and land.

42. Where any fishery, land or foreshore proposed to be comprised in an order under this Part of this Act, or any fishery proposed to be affected by any such order, or any land over which it is proposed to acquire an easement under any such order, belongs to His

Majesty in right of the Crown, or forms part of the possessions of the Duchy of Lancaster or the Duchy of Cornwall, or belongs to or is under the management of any Government department, the Minister may make the order if such consent as hereinafter mentioned has previously been obtained :—

(*a*) in the case of any foreshore under the management of the Commissioners of Woods, or of any fishery or land belonging to His Majesty in right of the Crown, the consent of the Commissioners of Woods, or one of them :

(*b*) in the case of any foreshore under the management of the Board of Trade, the consent of the Board of Trade :

(*c*) in the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Lancaster, the consent of the Chancellor of the Duchy :

(*d*) in the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Cornwall, the consent of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of the lands of the Duchy :

(*e*) in the case of any foreshore or fishery or land which belongs to or is under the management of any other Government department, the consent of that Government department.

Application of Part IV. to River Lee. 31 & 32 Vict. c. cliv. 63 & 64 Vict. c. cxvii.

43.—(1) An order under this Part of this Act relating to the River Lee as defined by the Lee Conservancy Act, 1868, shall not be made without the consent of the Conservancy Board constituted under the Lee Conservancy Act, 1900.

(2) The Minister may, by an order made on the application of the Conservancy Board but otherwise in accordance with the provisions of this Part of this Act, apply to the Board and the River Lee any provisions of this Act relating to a fishery board or a district of a fishery board.

PART V.

PROVISIONS AS TO FISHERY BOARDS.

Application of Act to fishery boards and districts. 7 Edw. 7. c. 15.

44. The provisions of this Act relating to fishery boards and fishery districts shall apply to—

(*a*) every fishery board and district constituted under the enactments repealed by this Act other than the Salmon and Freshwater Fisheries Act, 1907;

(*b*) every fishery board and district constituted by an order under the Salmon and Freshwater Fisheries Act, 1907, with this qualification, that this Act shall not, except as otherwise expressly provided, alter the constitution of any such board or the method of election or the duration of office of any member thereof, and that where any such order excepts from application to the fishery board or district thereby constituted any of the provisions of the Acts repealed by this Act or modifies in their application to any such board or district any of those provisions, the corresponding provisions of this Act shall not apply to that fishery board or district, or shall apply thereto subject to the like modifications, as the case may be;

(*c*) every fishery board and district constituted by an order made under Part IV. of this Act, subject to such exceptions and modifications as may be contained in the order.

Constitution and appointment of Fishery Boards.

Constitution of fishery boards.

45. Subject to the exceptions mentioned in the last foregoing section, a fishery board shall be constituted of such—

(*a*) appointed members,

(*b*) representative members, and

(*c*) ex-officio members,

as hereinafter mentioned.

Appointed members.

46.—(1) Where a fishery district lies wholly within one county, the county council of that county shall annually appoint such number of persons not exceeding five as they think fit to be members of the fishery board for that district.

(2) Where a fishery district does not lie wholly within one county, the county council of each county in the district shall annually appoint such number of members not exceeding three as they think fit.

(3) On every appointment of members of a fishery board by a county council the clerk of that county council shall, within fourteen days from the date of the appointment, send to the clerk or other officer of the fishery board notice of the appointment, specifying the names and addresses of the members appointed by that county council.

(4) The term of office of an appointed member of a fishery board shall be one year, but a member ceasing to hold office may be re-appointed: Provided that nothing herein contained shall affect the tenure of office of an existing member of a fishery board at the date of the passing of this Act.

(5) If at the time when any annual appointment ought to take place no such appointment is made, the retiring members shall be deemed to be re-appointed unless by reason thereof the members appointed by a county council shall exceed the number of members which the council is by this section authorised to appoint.

Representative members of net fishermen.

47.—(1) In every fishery district in which there are any public rights of fishing, and such rights are exercised by fishermen duly licensed to fish for salmon otherwise than with rod and line, there shall in each year be elected such number of members representative of the holders of such licences on the fishery board for that district as hereinafter mentioned; (that is to say)—

if the aggregate amount of licence duties paid in the last preceding fishing season for licences (other than licences for the use of a rod and line) for fishing in public waters does not exceed the sum of fifty pounds, one member; and

if the aggregate amount of such licence duties exceeds fifty pounds, one additional member for every additional fifty pounds or part of fifty pounds, so, however, that the number of representatives of holders of such licences shall not exceed one-half of the total number of members of the fishery board in the preceding year.

(2) The fishery board shall hold a meeting after the commencement of the annual close season in each year for the purpose of ascertaining whether any, and, if any, what number of representative members are to be elected for the ensuing year.

(3) At that meeting the clerk of the board shall produce a statement of the licence duties paid in the district during the preceding fishing season, and the board shall thereupon ascertain and declare the amount of licence duties paid in respect of licences (other than licences for the use of a rod and line) for fishing for salmon in public waters, and the number of representative members, if any, for the ensuing year.

(4) This section shall apply as well to a fishery board constituted by an order under the Salmon and Freshwater Fisheries Act, 1907, as to other fishery boards, except that if the basis of representation of the holders of such licences as provided in the order is more favourable to them than the basis under this section, the provisions of the order shall prevail.

Representative members of rod fishermen for fish other than salmon.

48.—(1) In every fishery district in which duties are payable for licences for fishing with rod and line for fish other than salmon there shall be appointed or elected such number of members representative of the holders of such licences on the fishery board for that district as may be provided by an order made under Part IV. of this Act, and, in default of and subject to any such provision, as is hereinafter mentioned, that is to say;

if the aggregate amount of duties for such licences does not exceed the sum of fifty pounds, one member;

if the aggregate amount of such duties exceeds fifty pounds, one additional member for every additional fifty pounds or part of fifty pounds; so, however, that in a district in which duties are payable for licences for fishing for salmon with rod and line the number of such representative members shall not exceed one-third of the total number of members of the fishery board in the preceding year.

(2) The Minister may at any time sanction a scheme as to the manner in which such representatives are to be appointed or elected.

(3) Until such a scheme is sanctioned such representatives shall be appointed by the Minister, and thereafter shall be appointed or elected in accordance with the scheme.

(4) The fishery board shall, on or before the thirty-first day of December in each year, cause to be sent to the Minister a certificate of the aggregate amount of duties paid up to the date of the certificate for such licences during the preceding twelve months, and the number of persons to be appointed or elected under this section shall be determined in accordance with the amount specified in such certificate.

(5) This section shall apply as well to a fishery board constituted by an order under the Salmon and Freshwater Fisheries Act, 1907, as to any other fishery board.

Mode of election of representative members of net fishermen.

49. When an election of representative members of net fishermen is to be held in a fishery district—

(1) A person shall be qualified to vote if he has in the last preceding fishing season paid licence duty exceeding one pound in respect of a licence or licences (other than a licence for fishing with a rod and line) for fishing in public or common waters, or both, in that district, and also is either—

(*a*) resident within the district, or

(*b*) the owner of land within, or within ten miles of the boundary of the district:

(2) The chairman of the fishery board or some person appointed by writing under his hand to conduct the election shall be returning officer at the election:

(3) The election shall be held in accordance with the rules in the Third Schedule to this Act:

(4) The returning officer shall, at the first meeting of the fishery board after the election, lay before the board an account of the expenses incurred by him in conducting the election, and the board shall thereupon cause the account to be audited, and may disallow any item which they consider to be excessive or illegal; and they shall forthwith pay the amount found due to the returning officer, and in default of payment the returning officer shall be entitled to recover that amount from the board in a summary manner:

(5) If the returning officer fails to comply with any of the provisions of this Act with respect to the

election, he shall be liable for every offence to a fine not exceeding five pounds:

(6) If any person wilfully fabricates in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote, or falsely assumes to act in the name or on behalf of any person entitled to vote or attest the execution of any voting paper, he shall be liable to a fine not exceeding twenty pounds, or to be imprisoned for any time not exceeding three months, with or without hard labour.

Qualifications of ex-officio members.

50.—(1) Every person shall be an ex-officio member of the fishery board of a fishery district who possesses either of the qualifications hereinafter mentioned; (that is to say)—

(*a*) is the owner or occupier of a fishery or fisheries in that district, which is or are assessed to the rate for the relief of the poor on a gross estimated rental of thirty pounds a year or more; or

(*b*) is the owner of lands in that district of an annual value of not less than one hundred pounds, having a frontage to any waters over which the fishery board have jurisdiction, frequented by salmon, trout, or freshwater fish of not less than one mile (counting, in the case of land having a frontage to both sides of any waters, the aggregate frontage), and has the right to fish in the waters adjoining such frontage, and has paid licence duty for fishing for salmon, trout or freshwater fish within the district during the last preceding fishing season:

Provided that—

(i) the owner and occupier shall not both be entitled to act at the same time as ex-officio members in respect of the same fishery or fisheries;

(ii) if there are more than one such owner or occupier of the same fishery or fisheries, then not more than one such owner or occupier shall be entitled to act at the same time as ex-officio member in respect of such fishery or fisheries.

(2) Where the owner of any fisheries or lands possessing either of the aforesaid qualifications is an infant or lunatic, or is a corporation, company, or fishery association, one of the guardians or trustees of the infant, the committee of the estate of the lunatic, one of the members of the corporation, company, or fishery association, or an attorney or agent of the guardian, trustee, committee, corporation, company, or fishery association, shall be entitled to act as an ex-officio member of the fishery board instead of the infant, or lunatic, or as representative of the corporation, company, or association respectively.

(3) Every person claiming to be entitled to act as an ex-officio member of a fishery board shall, before taking his seat at the board, or taking any part in the proceedings thereof, or acting in any way as a member of the board, sign a declaration in such form as the board prescribe, setting forth the nature of the qualification in respect of which he claims to be entitled to act.

(4) If any person so claiming wilfully makes a false declaration, or having been required to make a declaration, acts before having done so, he shall be liable to a fine not exceeding five pounds.

(5) An ex-officio member who has made the declaration required by this section shall be entitled to act as a member of the board so long only as he continues to hold his qualification.

Casual vacancies in appointed or representative members.

51. Any casual vacancy occurring by death, resignation, or otherwise, among the appointed or representative members of a fishery board, may be filled by the board; but the member chosen to fill the vacancy shall hold office for such time only as the member vacating it would have held office if no vacancy had occurred.

Proceedings and Powers of Fishery Boards.

Incorporation of fishery boards.

52. A fishery board shall be a body corporate, having perpetual succession and a common seal, with power to hold land for the purposes of this Act without licence in mortmain, and to sell or lease any land held by them which is not required for the purposes of the fishery board.

Proceedings.

53.—(1) A fishery board shall meet for the despatch of business, and shall make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, quorum, management, and adjournment, of their meetings, and generally with respect to the transaction and management of business, as they think fit, subject to the following conditions :—

(*a*) the first meeting of the board in each year shall be held on such day after the day (if any) fixed for the election of representative members as the chairman of the board for the preceding year appoints :

(*b*) an extraordinary meeting may be summoned at any time by the chairman or on the requisition of three members :

(*c*) the quorum to be fixed by the board shall consist of not less than three members :

(*d*) every question shall be decided by a majority of votes of the members voting on that question ; and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

(2) A fishery board may appoint committees of their members, may fix a quorum for each committee, and may lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

(3) No act or proceeding of a fishery board shall be questioned on account of any vacancy in their body ; and no defect in the qualification or appointment of any person acting as member of the board shall vitiate any proceedings of the board.

(4) A minute made of proceedings at a meeting of the board, signed by the chairman of that meeting, or of the next ensuing meeting, or a copy of a minute so signed which is certified by the clerk to be a true copy, shall be received in evidence without further proof. Until the contrary is proved every meeting of the board in respect of the proceedings of which a minute has been so made, shall be deemed to have been duly convened and held, and all the members thereof shall be deemed to have been duly qualified.

General powers of board.

54.—(1) A fishery board shall have, in addition to any other powers given to them by this Act or by the order constituting the board, power within their district to do any of the following things; that is to say,—

(*a*) to appoint by writing under the hand of the chairman of the board a clerk and a sufficient number of water bailiffs and other officers, to assign to them their salaries and duties, and to remove any clerk, water bailiff, or officer so appointed;

(*b*) to take legal proceedings in respect of any offence against this Act, or for the enforcement of any provision of this Act or for the protection of the fisheries in their district from injury by pollution or otherwise;

(*c*) to expend any moneys in their hands in any manner which they think most conducive to the maintenance, improvement or development of the fisheries within their district;

(*d*) to purchase or lease by agreement any fishery, fishing rights, or any establishment for the artificial propagation or rearing of salmon, trout or freshwater fish, and to use, work, or exercise the same by themselves, their lessees, or any person duly authorised by them in writing; and

(*e*) generally to execute such works, do such acts, and incur such expenses as they deem expedient for the said purposes.

(2) It shall not be lawful for a fishery board to pay to any member of the board any salary, fees, or other remuneration for his acting in any way as a member of or under the board.

(3) This section—

(*a*) shall not prevent a fishery board from obtaining the services of additional constables under section nineteen of the County Police Act, 1840, for the purpose of carrying out the provisions of this Act; and any additional constables so appointed shall have all the powers and privileges of water bailiffs, and shall be paid for their services by the board; 3 & 4 Vict. c. 88.

(*b*) shall not authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation;

(*c*) shall not prevent a fishery board from paying to any member of the board any compensation, purchase money, or rent in respect of any land, dam, fishery, fishing weir, fishing mill dam, fixed engine, or other obstruction, if the member does not vote in respect of the payment of such compensation to himself.

Power to prevent the pollution of waters.

55.—(1) A fishery board, for the protection of the fisheries in their district, may—

(*a*) institute proceedings under the Rivers Pollution Prevention Acts, 1876 to 1893, and for this purpose shall have the like powers and shall be subject to the same restrictions as a sanitary authority;

(*b*) aid any person or local authority in instituting such proceedings.

(2) The Rivers Pollution Prevention Acts, 1876 to 1893, shall, for the purpose of the protection of fisheries, extend to the sea to such extent, and to tidal waters to such point, as may, after a local inquiry to be held by two persons to be appointed by the Minister and the Minister of Health respectively, be determined by order (to be published in the London Gazette) of the Minister of Health; and those Acts shall apply accordingly as if the expression "stream" therein included any part of the sea or tidal waters so determined, with this qualification, that proceedings under those Acts in respect of the pollution of any part of the sea or tidal waters so determined shall not be instituted without the consent of the Minister of Health.

(3) An order under this section shall fix the date upon which the order shall become operative, being a date not less than four weeks after the order is made.

(4) On the making of an order under this section, notice shall be given of the making of the order and the effect thereof to any local authority or joint board who may be affected by the order, and if within four weeks from the date of such notice any such local authority or

joint board give notice in writing to the Minister of Health that they object to the order, and the objection is not withdrawn, the order shall be provisional only and shall not have effect unless and until confirmed by Parliament, but in any other case the order shall have effect as if enacted in this Act.

(5) Sections fourteen and fifteen of the Rivers Pollution Prevention Act, 1876, shall apply to a local inquiry under this section as if the persons holding the inquiry were inspectors of the Ministry of Health. 39 & 40 Vict c. 75.

Power to mortgage revenue or property.

56. A fishery board may, with the consent of the Minister, for the purpose of defraying any expenditure incurred or to be incurred by them under this Act, borrow at interest on the credit of any revenue receivable by them, or of any other property belonging to them, any money necessary for defraying such expenditure; and may for the purpose of securing the repayment of any money so borrowed, with interest thereon, mortgage to the persons by or on behalf of whom the money is advanced, such revenue or property, or any part thereof; and the provisions of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the commissioners, shall be incorporated with this Act, and any mortgagee may enforce payment of his principal and interest by appointment of a receiver. 10 & 11 Vict. c. 16.

Audit of accounts of board.

57. The accounts of the receipts and disbursements of every fishery board shall in each year be made up to the preceding thirty-first day of December and shall be audited by an auditor appointed by the fishery board subject to the approval of the Minister and paid by the board, and a copy of the audited accounts with the report of the auditor thereon shall not later than the thirty-first day of January following, be sent to the Minister by the clerk of the fishery board.

Annual returns.

58. The clerk, or other officer where there is no clerk, of every fishery board shall prepare and forward to the Minister, before such date as the Minister may appoint, an annual return in such form, and with such particulars, and made up to such date, as the Minister may direct.

PART VI.

BYELAWS.

Power of boards to make byelaws for certain purposes.

59.—(1) A fishery board, or where there is no fishery board the Minister, may, subject to the provisions of this Act, make byelaws for any of the following purposes; (that is to say,)—

(*a*) To fix or alter the annual close season for salmon so that such close season is not less than one hundred and fifty-three days, and does not commence later than the first day of September in each year:

(*b*) To fix or alter the close season for fishing for salmon with rod and line so that such close season is not less than ninety-two days, and does not commence later than the first day of November in each year:

(*c*) To fix or alter the weekly close time for salmon so that such time is not less than forty-two nor more than seventy-two hours:

(*d*) To fix or alter the annual close season for trout so that such annual close season is not less than one hundred and eighty-one days and does not commence later than the first day of September in each year, or to fix or alter the annual trout close season for rod and line so that such close season is not less than one hundred and fifty-three days and does not commence later than the first day of October in each year, or as regards migratory trout, not later than the first day of November in each year, or to fix or alter the weekly close time for trout so that such time is not less than forty-two or more than seventy-two hours:

(*e*) To fix or alter the annual close season for freshwater fish so that such annual close season is not less than ninety-three days:

(*f*) To determine the nets and other instruments (not being fixed engines) which may be used for taking salmon, trout and freshwater fish, the dimensions, size of mesh, and description thereof,

the manner of using them and the conditions under which they may be used:

(*g*) To require or regulate the attachment to licensed nets and instruments of marks, labels, or numbers, or the painting thereof upon, or the affixing thereof to, boats, coracles, or other vessels used in fishing:

(*h*) To prohibit the carrying in any boat or vessel whilst being used in fishing for salmon or trout of any net which is not licensed and has not attached thereto the mark, label, or number prescribed by byelaws of the fishery board:

(*i*) To prohibit or regulate the carrying in a boat or vessel during the annual close season for salmon of a net capable of taking salmon other than a net commonly used in the district for sea fishing if carried in a boat or vessel commonly used for that purpose:

(*j*) To prohibit the use for taking salmon, trout or freshwater fish of any instrument not being a fixed engine in such waters within the fishery district and at such times as may be prescribed by the byelaw:

(*k*) To prohibit the taking or removal from any waters without lawful authority of any live fish or any dead fish:

(*l*) To determine for the purposes of this Act, the period of the year during which gratings need not be maintained:

(*m*) To prohibit or regulate the taking of trout or any freshwater fish of a size less than such as may be prescribed by the byelaw:

(*n*) To prohibit or regulate the taking of fish by any means within such distance as is specified in the byelaw above or below any dam or any other obstruction whether artificial or natural:

(*o*) To prohibit or regulate fishing with rod and line between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning:

(*p*) To regulate the deposit or discharge in any waters containing fish of any liquid or solid matter specified therein detrimental to salmon, trout or

freshwater fish, or the spawn or food of fish, but not so as to prejudice any powers of a sanitary or other local authority to discharge sewage in pursuance of any power given by a Public General or Local Act or by a Provisional Order confirmed by Parliament:

(*q*) To require returns of salmon and trout taken within the district to be made to the fishery board by the person by whom the salmon and trout are taken:

(*r*) To regulate the use in connection with fishing with rod and line of any lure or bait specified in the byelaw:

(*s*) To determine the time during which it shall be lawful to use a gaff in connection with fishing by a rod and line for salmon or migratory trout:

(*t*) To authorise the fishing with rod and line for eels during the annual close season for freshwater fish:

(*u*) Generally for the better execution of this Act, and for the better protection, preservation, and improvement of the fisheries in the district.

(2) Any byelaw may be made to apply to the whole or any part or parts of the district, or to the whole or any part or parts of the year.

(3) If any person contravenes or fails to comply with the provisions of any byelaw, he shall be guilty of an offence against this Act.

(4) If at any time before the expiration of twelve months after the confirmation of any byelaw made by a fishery board under paragraph (*f*) or (*j*) of subsection (1) of this section, the owner or occupier of any fishery within the fishery district, by notice in writing to the clerk of the fishery board, claims that the fishery is injuriously affected by the byelaw, the claim and the amount of compensation to be paid, by way of annual payment or otherwise, for the damage (if any) to such fishery shall be determined, in default of agreement, by a single arbitrator appointed by the Minister:

Provided that, when the compensation is payable under any award by way of an annual payment, the fishery board or the person entitled to the annual payment

may, at any time after the expiration of five years from the date of the award, require the award to be reviewed by an arbitrator appointed as aforesaid, and the compensation to be thenceforth paid shall be such as may be determined by that arbitrator.

Rules for making, confirming, and publishing byelaws.

60.—(1) Byelaws made by a fishery board under this Act shall be made, confirmed, and published in accordance with the following rules:—

(*a*) before a byelaw is made, notice of an intention to propose it must be given in the notice convening the meeting of the fishery board at which it is intended to propose it, and the notice must be issued one fortnight at least before the date of that meeting:

(*b*) every byelaw when made must be reduced into writing and sealed with the common seal of the board:

(*c*) a byelaw shall not come into operation until it has been confirmed by the Minister:

(*d*) one month at least before an application for confirmation of any byelaw, notice of the intention of the fishery board to apply for confirmation shall be given by advertisement in some newspaper circulating in the district, and a copy of the proposed byelaw shall, during the said period, be kept at the office of the board, or at some place to be appointed by the chairman for that purpose, and during the said period all persons may at all reasonable times inspect such copy without payment, and the board shall furnish every person who applies for the same with a copy of the proposed byelaw, free of cost:

(*e*) on any application for confirmation of a byelaw the Minister may direct an inquiry into the same at such time and place, and before such person, and after giving such notices, as he thinks fit; and, subject to the provisions of this section, may, with or without such inquiry, disallow the byelaw or allow the byelaw either without modification or subject to such modifications to which the fishery board consent as he

thinks fit, and the fishery board shall, if so directed by the Minister, cause notice of any proposed modification to be advertised in accordance with such directions:

(*f*) byelaws when confirmed shall be printed, and copies thereof shall be open to inspection without charge, and the secretary or clerk of the fishery board shall deliver on application without charge a printed copy thereof to every person who pays licence duty, and copies thereof shall be put up on boards in conspicuous places within the district.

(2) The Minister shall not make or confirm any byelaw which will be operative within the limits of any dockyard port unless the Admiralty consent thereto.

(3) The Minister before making a byelaw under this Part of this Act shall cause notice of his intention to make such byelaw to be published in a paper circulating in the district proposed to be affected specifying the time within which notice of any objection from any person affected by such byelaw may be presented to the Minister, and shall take into consideration any objection so presented, and, if he thinks fit, direct a local public inquiry to be held for the hearing of any such objection.

(4) The Minister, if he considers that the revocation of a byelaw is necessary or desirable for the maintenance or improvement of the fisheries in any district, may, after giving notice to the fishery board and considering any objections raised by that board, and, if so required by that board, holding a local public inquiry, revoke the byelaw.

PART VII.

LICENCES.

Licences to fish for salmon and trout.

61. Every fishery board shall grant licences to fish for salmon or trout with any instruments which may be lawfully used for the purpose, and such licences shall be issued and shall have effect in accordance with the following rules:—

(*a*) Licences shall be granted on payment of such licence duties as the fishery board, with the approval of the Minister, may from time to time

determine, or, in the case of any instrument for which a licence duty has not been determined and approved and which may be lawfully used in the district on payment of a licence duty of twenty shillings:

(*b*) The approval of the Minister to a licence duty shall not be given unless one month's previous notice of the intention of the fishery board to apply therefor has been given by advertisement stating the proposed licence duty in some newspaper circulating in the district:

(*c*) Subject to the provisions of this Part of this Act with respect to the limitation of the number of licences, every person demanding a licence, and tendering to the person appointed by the fishery board to distribute licences the amount of licence duty payable under this Act in respect of that licence, shall, unless disqualified for holding a licence in manner hereinafter appearing, be entitled to receive that licence without any question or objection whatsoever:

(*d*) Licences shall specify the period for which they are available, the limits within which they may be used, and the instruments to which they are applicable, and shall be distributed in such manner as the fishery board direct:

(*e*) A licence duty shall not take effect until the commencement of the year next after that in which the licence duty is approved by the Minister:

(*f*) Different licence duties may be made payable on similar instruments for different periods, or in different parts of a district, or for different kinds of trout or other fish if so stated in the licence:

(*g*) Any person or association of persons for the time being entitled to an exclusive right of fishing for salmon or trout in any waters may, on application to the fishery board, obtain a general licence subject to such conditions as the fishery board and the licensee may agree or in default of agreement as may be determined by the Minister; and such general licence shall enable the licensee or any person authorised by

the licensee in writing under his hand, or when granted to an association of persons any member of the association authorised in writing by the secretary of the association, without any other licence, to fish for salmon or trout in any legal manner in those waters, but shall not be of any validity beyond the limits to which it refers:

(*h*) There shall be paid for a general licence such sum as the fishery board and the person or association of persons entitled to the licence may from time to time agree, with the approval of the Minister, having regard to the extent and productiveness of the fishery, and to the nature of the instruments used and to the conditions (if any) attached to the licence:

(*i*)—(i) A licence for an instrument (other than rod and line) by which salmon or trout may be caught, shall be used only by the person to whom it is granted or his agent or servant, and for the employment of the instrument described therein;

(ii) No person shall be deemed to be an agent or servant of a licensee for the purposes of this section unless his name is endorsed on the licence, in accordance with the provisions of this section, or he is accompanied by the licensee;

(iii) The name must be endorsed either by the proper officer of the fishery board, or by the licensee or his agent;

(iv) The fishery board shall make arrangements for the endorsement of licences and shall appoint their clerk or other officer to endorse licences and to receive notices and fees in respect of endorsements;

(v) Before an endorsement is made by an agent of a licensee the name and address and notice of the appointment of the agent must be sent to the proper officer of the fishery board;

(vi) The date of an endorsement made by the licensee or his agent must be inserted in the endorsement at the time of making it, and a copy of the endorsement must, within twenty-four hours from the date thereof, be sent by

post, accompanied with the proper fee, to the proper officer of the fishery board;

(vii) A fee of one shilling shall be payable to the proper officer of the fishery board for every name endorsed;

(viii) Not more names of agents or servants may be endorsed than twice the number of persons required to work at one time the instrument in respect of which the licence is granted;

(ix) Any name may be removed and another name substituted, on payment of a like fee for each name substituted;

(x) If a licensee in respect of any such instrument at any time during a fishing season works or assists in working the instrument himself, the number of names which may be endorsed on the licence for that instrument shall be one less than twice the number aforesaid;

(xi) If any person fraudulently endorses on a licence more names than the licensee is entitled to have endorsed thereon, or inserts in an endorsement any date other than the actual date of the making it, he shall be guilty of an offence against this Act:

(*j*) A licence for the use of a rod and line shall be used only by the person to whom it is granted, and shall not be transferable:

(*k*) A licence shall not confer any right to fish in any place or at any time in or at which the licensee is not otherwise entitled to fish:

(*l*) The grant of a licence shall not be held to make any fishing weir, fishing mill dam, putts, putchers, net, or other instrument legal that would otherwise be illegal, or to imply any recognition of the legality of any such instrument:

(*m*) A licence to use any instrument for fishing for salmon shall have effect also as a licence to use the same instrument for trout.

Limitation of licences.

62.—(1) A fishery board may, by order confirmed by the Minister, limit the number of licences to be issued in any year for fishing for salmon or trout in public waters within the fishery district with any instrument

other than rod and line specified in the order, and provide for the selection of the applicants to whom licences shall be issued where the number of applications exceed the number of licences which may be granted:

Provided that—

(*a*) the Minister before confirming an order under this section shall direct the order and notice of his intention to confirm the order to be published, in such manner as he thinks desirable, by and at the expense of the fishery board, and shall take into consideration any objections to the proposed order which may be received by him within the time prescribed by the notice; and

(*b*) if the number of licences as limited by the order is less than the number of licences issued in any one of the previous three years, and objection to the order is duly made by any person who has during each of the previous two years held any such licence, the Minister before confirming the order shall cause a public inquiry to be held in the locality by an officer of the Ministry; and

(*c*) the Minister shall not confirm an order unless he is satisfied that the terms of the order relating to the selection of licensees are such as to secure that any licensee dependent upon fishing for his livelihood will be able to obtain a licence.

(2) The Minister may, with the consent of the fishery board, vary the order before confirmation, after publication by the fishery board, if the Minister so directs, of the proposed variation in such manner as such directions may require.

(3) An order under this section may be revoked by the Minister, or by an order made by the fishery board and confirmed by the Minister in like manner as the original order.

(4) This section shall not apply to any instrument which is worked by one man only and is not worked from a boat.

Penalty on use of unlicensed

63.—(1) If any person in a fishery district fishes for or takes salmon or trout otherwise than by means of an instrument which he is duly licensed to use for

that purpose, he shall be guilty of an offence against this Act. instrument for fishing.

(2) This section shall not prevent the use of a gaff (consisting of a plain metal hook without a barb) or tailer or landing net, by the holder of a rod licence as auxiliary to angling with a rod and line, and licence duty shall not be payable in respect of any such instrument so used.

Production of licence.

64.—(1) Any of the following persons; namely,—

(*a*) any licensee under this Act on producing his licence;

(*b*) any member of a fishery board on producing a certificate of his being a member, signed by the clerk of the fishery board;

(*c*) any water bailiff appointed under this Act on producing the instrument appointing him;

(*d*) any constable,

may require any person found fishing for salmon or trout within a fishery district to produce the licence or authority (if any) legalising such fishing, and to furnish his name and address.

(2) If any person, on being required under the provisions of this section to produce his licence or authority, or to furnish his name and address, fails without reasonable excuse to produce his licence or authority, or fails to state correctly his name and address, he shall be guilty of an offence against this Act.

Power to require licences in the case of freshwater fish.

65.—(1) The Minister may, on the application of a fishery board or on such other application as he may deem sufficient, by order extend the foregoing provisions of this Part of this Act to freshwater fish, and—

(*a*) either generally to all freshwater fish or to such freshwater fish as may be specified in the order; and

(*b*) either generally to all waters in the fishery district or to such of those waters as may be so specified; and

(*c*) either to all instruments or to such instruments as may be so specified,

and, where such an order is made, the said provisions shall, to the extent and subject to the modifications contained

in the order, apply to freshwater fish in like manner as they apply to salmon and trout.

(2) Any such order shall contain such scheme for the representation on the fishery board of members representative of persons licensed to fish with rod and line for freshwater fish as, subject to the provisions of section forty-eight of this Act, appear to the Minister to be desirable.

(3) A licence to use any instrument for fishing for salmon or trout, shall have effect also as a licence to use the like instrument for fishing for freshwater fish.

(4) Before the Minister makes an order under this section, he shall cause the proposed order and notice of the intention to make the order to be published by the applicant in such manner as he may direct, and, if within such time as is mentioned in such notice, any objection from any person who will be affected by the order is received by the Minister, and is not withdrawn, the Minister before giving his authority shall hold a local inquiry and shall consider the report of the person holding the inquiry.

PART VIII.

POWERS OF INSPECTORS, WATER BAILIFFS, AND OTHERS.

Power to inspect dams, &c.

66.—(1) Any person duly appointed in writing by a fishery board may, for the purpose of enforcing any of the provisions of this Act or any order or byelaw made thereunder, at all times enter on and traverse any lands to inspect any dam, fishing weir, fishing mill dam, fixed engine, obstruction, mill race, or watercourse.

(2) If any person refuses to admit or obstructs any person exercising any of the powers given to him by this section, he shall be guilty of an offence against this Act.

Powers of water bailiffs.

67.—(1) Any water bailiff appointed under this Act may do all or any of the following things:—

(*a*) examine any dam, fishing weir, fishing mill dam, fixed engine, or obstruction, or any artificial watercourse, and for that purpose enter on any land;

(*b*) stop and search any boat, barge, coracle, or other vessel which is used in fishing, or any vessel or

vehicle which there is reasonable cause to suspect of containing salmon, trout or freshwater fish;

(*c*) search and examine any nets or other instruments used in fishing or any basket, bag, pocket, or other receptacle, capable of carrying fish which there is reasonable cause to suspect of containing fish illegally caught;

(*d*) seize any fish and any instrument liable to be forfeited in pursuance of this Act.

(2) If any person refuses to allow any water bailiff to make any entry, search or examination which he is by this section authorised to make, or resists or obstructs any water bailiff in any such entry, search or examination, he shall be guilty of an offence against this Act.

(3) For the enforcement of the provisions of this Act, or any order or byelaw made thereunder, every water bailiff shall be deemed to be a constable, and to have all the same powers and privileges, and be subject to the same liabilities as a constable duly appointed has or is subject to, by virtue of the common law or of any statute.

(4) The production by a water bailiff of the instrument of his appointment purporting to be executed in the manner prescribed in this Act, shall be a sufficient warrant for the water bailiff exercising the authorities given to him under this Act.

Power to enter lands.

68. Any water bailiff may, under a special order in writing from the fishery board signed by the chairman or by the clerk and two members of the board, at all reasonable times enter remain upon and traverse any lands not being a dwelling-house or the curtilage thereof, adjoining or near to any waters within the fishery district for the purpose of preventing any offence against this Act:

Provided that,—

(*a*) this section shall not apply to decoys or lands used exclusively for the preservation of wild fowl;

(*b*) an order under this section shall not remain in force for more than twelve months from its date.

Order to enter suspected places.

69. Where from a statement on oath of any member of a fishery board or water bailiff it appears to any justice of the peace that such member or bailiff has good reason to suspect that any offence against this Act is being or is likely to be committed on any land situate on or near to any waters, the justice may, by order under his hand, authorise such member or bailiff, during a period not exceeding twenty-four hours, to be specified in the order, to enter upon and remain on such land during any hours of the day or night for the purpose of detecting the persons committing the offence.

Warrant to enter suspected premises.

70. Any justice of the peace, upon an information on oath that there is probable cause to suspect any offence against this Act to have been committed on any premises, or any salmon, trout or freshwater fish to have been illegally taken, or any illegal nets or other instruments to be concealed on any premises, by warrant under his hand and seal may authorise any water bailiff, member of a fishery board or constable to enter such premises for the purposes of detecting the offence or the concealed fish, nets or engines at such times of the day or night as are mentioned in the warrant, and to seize all illegal nets and engines and all salmon, trout, or freshwater fish suspected to have been illegally taken that may be found on the premises:

Provided that a warrant under this section shall not continue in force for more than one week from its date.

Power to apprehend persons fishing illegally at night.

71. If any person, between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning, illegally takes or kills salmon, trout or freshwater fish, or is found on or near any waters with intent illegally to take or kill salmon, trout or freshwater fish, or having in his possession for the capture of salmon, trout or freshwater fish any instrument prohibited by this Act, any water bailiff with any assistants may seize and apprehend the offender without warrant and deliver him, as soon as may be, into the custody of an officer of police in order to his being conveyed before a court of summary jurisdiction for the purpose of being dealt with according to law.

Powers of officers appointed by Minister.

72. Any person appointed by the Minister in that behalf may exercise within any fishery district the powers of a water bailiff, and the foregoing provisions of this

Part of this Act relating to water bailiffs shall apply to the persons so appointed, with this modification, that for the reference to a special order in writing from the fishery board there shall be substituted a reference to an order in writing from the Minister.

PART IX.

LEGAL PROCEDURE AND EVIDENCE.

Legal Procedure.

Recovery of penalties.

73.—(1) Any offence against this Act may be prosecuted, and any fine under this Act, and all money recoverable under this Act in a summary manner, may be recovered, in manner directed by the Summary Jurisdiction Acts.

4 & 5 Geo. 5. c. 58.

(2) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, any fines or moneys recovered under this Act on the complaint of a fishery board, or of any officer of or person authorised by a fishery board, shall (unless the court for some special reason otherwise order) be paid to the fishery board, to be applied by them for the purposes of this Act.

Penalties for offences.

74.—(1) Any person who is found guilty of an offence against this Act shall, except in the case of an offence for which some other penalty is expressly provided by this Act, be liable to a fine not exceeding fifty pounds, and in the case of a continuing offence to a further fine not exceeding five pounds for every day during which the offence is continued after conviction, and to the forfeiture of any instrument in respect of which the offence is committed, and of any fish illegally taken by the person convicted or in his possession at the time of the offence, and any instrument or fish so forfeited shall be disposed of as the court may direct.

(2) If a licensee under this Act convicted of an offence against this Act is subsequently convicted of any such offence, the court may direct that any licence held by him shall be forfeited, and that for a period not exceeding one year he shall be disqualified for holding a licence under this Act.

(3) In the case of a third or subsequent conviction under this Act the offender shall also be liable to imprisonment with or without hard labour for a term not exceeding three months in lieu of any fine to which he

is liable under this Act: and for the purposes of this provision a conviction under an enactment repealed by this Act or under any byelaw made under any such repealed enactment shall be treated as if it had been a conviction under this Act.

(4) Where any member of a fishery board is convicted of an offence against this Act, the court by which he is convicted may declare that person to be disqualified for being a member of a fishery board and that person shall thereupon cease to be a member thereof and shall not be entitled to become a member of any fishery board for such period as the court may think fit.

(5) A conviction of an offence under any enactment repealed by this Act shall for the purposes of this Act be treated as if it had been a conviction under this Act.

Jurisdiction of courts.

75.—(1) Any offence against this Act committed on the sea-coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction, shall be deemed to have been committed in any place abutting on such seacoast or adjoining such sea, and may be tried and punished accordingly.

(2) Proceedings against any person contravening any of the provisions of this Act may be instituted before a court of summary jurisdiction in any place where the fish in respect whereof the proceedings are taken or the person charged may be found.

As to disqualification of justices.

76. A justice of the peace shall not be disqualified for hearing any case arising under this Act by reason only of his being a member of a fishery board, or a subscriber to any society for the protection of fish:

Provided that a justice shall not be entitled to hear any case in respect of an offence committed on his own land or in relation to any fishery of which he is owner or occupier.

Certificate of conviction to be sent to clerk of board.

77.—(1) Where any person is convicted of an offence committed in a fishery district against this Act, the clerk of the court before which that person is convicted shall, within one month from the date of the conviction, forward a certificate of the conviction to the clerk of the fishery board of that district.

(2) Every such certificate shall be receivable in evidence in all legal proceedings.

Seizure of fish under Act.

78. Any of the following officers, that is to say:

(*a*) any officer of a fishery board acting within the fishery district;

(*b*) any officer of a market authority acting within the area of the jurisdiction of that authority;

(*c*) any officer appointed for the purpose by the Minister;

(*d*) any officer appointed in writing by the Fishmongers Company in that behalf;

(*e*) any officer of police;

may seize any salmon, trout, or freshwater fish bought, sold, or exposed for sale by, or in the possession for sale of, any person in contravention of this Act.

Disposal of fish &c., seized under Act.

79. Where under this Act any fish or any other thing of a perishable nature is seized as liable to forfeiture, the person by whom it is seized may sell it, and the net proceeds of sale shall be liable to forfeiture in the same manner as the fish or other thing sold, and if and so far as not forfeited shall be paid on demand to the owner of the fish or other thing sold:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.

Evidence.

Evidence of orders of special commissioners. 28 & 29 Vict. c. 121.

80.—(1) Any summons, order, warrant, or other instrument or copy thereof, purporting to be sealed with the seal of the special commissioners appointed under the Salmon Fishery Act, 1865, and to be signed, in the case of any warrant for the removal of any fishing weir or fixed engine, or for the alteration of any fishing mill dam, by two at least of the commissioners, or, in the case of any notice or other instrument, by any person delegated by them, shall be deemed to be sufficiently executed, and shall be received in evidence without further proof.

(2) Any copy of an order of such commissioners, or of any plan or map accompanying such order, shall, if purporting to be stamped with the seal of the commissioners, be received in evidence without further proof.

Evidence of certified copies of byelaws, &c.

81.—(1) A copy of any byelaw or licence duty under this Act, or any enactment repealed by this Act, purporting to be signed by a clerk of the fishery board by

which the byelaw was made or the licence duties chargeable, and to be certified by him to be a true copy and to be duly confirmed or approved by the Minister, shall be evidence in all legal proceedings of the due making, confirmation, approval, publication and existence of such byelaw or licence duties without further or other proof.

(2) A copy of a certificate under any enactment repealed by this Act deposited with the clerk of the county council of any county in relation to the formation, enlargement, combination, reduction, or alteration of a fishery district if certified or purporting to be certified as a true copy by the clerk of the county council of such county, shall be evidence that all the statutory provisions relating to the formation, enlargement, combination, reduction, or alteration of any fishery district have been complied with, and that such district has been duly formed, enlarged, combined, reduced, or altered with the limits and in the manner specified in such certificate.

(3) A copy of a newspaper containing an advertisement of an alteration made in any fishery district or in the constitution of any fishery board shall be evidence of such advertisement having been given at the time such newspaper bears date.

(4) A copy of a newspaper containing an advertisement of the appointment of a fishery board shall be evidence of such appointment having been made, and shall, after the expiration of three months from the date of such newspaper, be conclusive evidence of the validity of all orders and proceedings relating to such appointment.

PART X.

LOCAL AND SUPPLEMENTAL.

Application to River Tweed.

22 & 23 Vict. c. clxx.

82. The provisions of this Act shall not apply to the River Tweed within the meaning of the expression "the river" as defined by the Tweed Fisheries Amendment Act, 1859, and any byelaw amending that definition.

Application to River Esk.

83. This Act shall apply to so much of the River Esk, with its banks and tributary streams up to their source, as is situated in Scotland:

Provided that offences against this Act committed within Scottish jurisdiction shall be prosecuted and fines recovered in manner directed by the Salmon Fisheries (Scotland) Act, 1868.

31 & 32 Vict. c. 123.

Special provisions as to the Solway Firth.

84.—(1) With a view to the maintenance, improvement, and development of the salmon fisheries within the area (hereinafter referred to as the "Solway district") defined in Part I. of the Fourth Schedule to this Act, the Minister and the Fishery Board for Scotland, acting jointly, may, upon such application as is hereinafter mentioned and subject to the provisions of this section, make an order under Part IV. of this Act for the constitution of a fishery board, to be called the Solway District Board, representative of the persons interested in the salmon fisheries within the area so defined and in the rivers flowing into such area, and for the regulation by that Board of the salmon fisheries within that area, and on such order being made and confirmed the provisions of this Act shall, subject to the provisions of this section and the order, apply to the Solway district.

(2) The provisions of Part V. of this Act relating to appointed members, representative members, and ex-officio members of a fishery board shall not apply to the constitution of the Solway District Board.

(3) An order made under this section—

(*a*) shall not authorise the imposition by the Solway District Board of contributions assessed on several fisheries;

(*b*) shall not enable the Solway District Board to erect fixed engines;

(*c*) shall not prejudice or affect any existing private right of fishing or any existing right or title of an owner of salmon fishings or the exercise of such right in any way whether by haaf net, poke net, stake net, fixed engine or otherwise which would have been lawful if the order had not been made, and shall contain such prohibition or restriction of fishing within a prescribed distance of any such stake net or fixed engine as may be reasonably necessary for the protection of the interests of the persons entitled to use such nets or engines; and

(*d*) shall provide that any reference in this Act to the Minister shall, in relation to the Solway district except in so far as otherwise provided in the order, be construed as a reference to the Minister and the Fishery Board for Scotland acting jointly.

(4) So much of Part VII. of this Act as requires or authorises a fishery board to grant licences shall not apply to the Solway District Board.

Licences granted by a fishery board of any fishery district abutting on the Solway district for use in its district shall be available for use in the Solway district, but not so as to confer any right to fish in any place or at any time in or at which the licensee is not otherwise entitled to fish or any right to fish within the Solway district in any manner or with any instrument in or with which it is not otherwise lawful to fish therein.

(5) Notwithstanding that licences are not issued by the Solway District Board, that board shall have the like powers of limiting by order the number of licences to be available for fishing in the Solway district as a fishery board has under Part VII. of this Act of limiting the number of licences to be issued by the board, and any order so made by the Solway District Board may, in order to secure such limitation of licences so available, limit the number of licences to be issued by any fishery board of any district abutting on the Solway district.

(6) The expenditure incurred by the Solway District Board, up to such amount as may be sanctioned by the Minister and the Fishery Board for Scotland acting jointly after consultation with the fishery boards and district boards affected, shall be defrayed out of contributions to be paid by the fishery boards or district boards of the fishery districts abutting on the Solway district in such proportions and with such remedies for enforcement thereof as may be prescribed by order made under this section.

(7) Any offences committed in the Solway district against this Act or an order made under this section, or any byelaw made thereunder, shall be deemed to have been committed in any place abutting on that district, and may be tried and punished accordingly, but if proceedings are instituted in Scotland they shall be instituted and prosecuted as if the offences were offences under the Salmon Fisheries (Scotland) Act, 1868, and the provisions of that Act as to offences shall apply accordingly with the substitution of references to this Act for references to that Act, and of references to the Solway District Board for references to a district board, but so that the penalties imposed by this Act for an offence against this Act shall be substituted for the penalties imposed by the Salmon Fisheries (Scotland) Act, 1868.

(8) As from such date as may be prescribed by an order made under this section, all powers of any fishery board, district board, or other authority constituted for the preservation of salmon, so far as they relate to salmon and salmon fishing, and are exercisable within the Solway district, shall absolutely determine, and the enactments mentioned in Part II. of the Fourth Schedule to this Act, and all byelaws made thereunder, shall, so far as they relate to salmon and salmon fishing, cease to apply within the Solway district:

Provided that nothing in this section, or in any order made thereunder, shall affect the powers of any district board with regard to assessments on any existing fisheries within the Solway district or the enactments relating thereto.

(9) An application for an order under this Part of this Act may be made by the fishery board or district board of any district comprising or abutting on any part of the area defined in the Fourth Schedule to this Act.

(10) As from such date as may be prescribed by the order constituting the Solway District Board, the public right of fishing which exists in such part of the Solway district as lies in England shall, subject to the provisions of this section, extend to such part of that district as lies in Scotland.

(11) For the purposes of this section—

The expression "salmon" shall be deemed to include migratory trout;

The expression "district board" means a board constituted under the Salmon Fisheries (Scotland) Acts, 1828 to 1868;

The expression "existing" means existing at the date of the making of an order under this section.

(12) Any expenses incurred by a district board under this section in respect of any order or confirming Bill under this section or in respect of any application for any such order, shall, whether the application for the Order was made by such board or not, be defrayed in like manner as expenses incurred by such board under the Salmon Fisheries (Scotland) Acts, 1828 to 1868, and any notice required by Part IV. of this Act to be published in the "London Gazette" shall, in the case of an order made

under this Part of this Act, be published also in the "Edinburgh Gazette."

Application to Solway Firth, pending the making of an order under section 84.

85.—(1) Until such an order as is mentioned in the last preceding section is made, and until such date thereafter as may be prescribed by such order, with a view to securing uniformity as to the minimum size of mesh which may be lawfully used for taking salmon in any part of the Solway Firth, it is hereby declared that where the minimum size of mesh of nets used for taking salmon prescribed by any provision of this Act or by any byelaw in force in any part of the Solway Firth within England is greater than that which may be lawfully used in the part of the Solway Firth within Scotland, the provision or byelaw shall have effect as if the minimum size of mesh so prescribed in relation to the part of the Solway Firth within England were such as may be so lawfully used as aforesaid in the part of the Solway Firth within Scotland.

(2) The limits of the Solway Firth for the purposes of this section shall be such as may be determined by the Minister.

Provision as to Severn navigation dams.
5 Vict. c. xxiv. (Sess. 2).
16 Vict. c. xlvii.

86. Each of the dams constructed by the Severn Commissioners under the provisions of the Severn Navigation Acts, 1842 and 1853, or either of them, shall be deemed to be a dam within the meaning of this Act, and the provisions of this Act shall apply thereto, and every fish pass which now exists in either of the said dams, or which may be constructed therein under the provisions of this Act, shall be deemed to be a fish pass within the meaning of this Act, and shall be maintained in an efficient state by the Severn Commissioners.

Close season for elvers in Severn fishery district.

87.—(1) With respect to the River Severn Fishery District, the period between the thirty-first day of December and the first day of March, and the period between the twenty-fifth day of April and the twenty-fifth day of June, both inclusive, shall each be a close season for elvers.

(2) If any person, during either of such close seasons, takes or uses any instrument for taking elvers in the River Severn Fishery District, he shall be guilty of an offence against this Act.

(3) For the purposes of this section, the expression "elvers" includes the fry of eels, and the River Severn Fishery District means the district of the fishery board

for the River Severn constituted under any enactment repealed by this Act, or under this Act.

Application of Act to county boroughs and counties of cities and towns.

88. The provisions of this Act with respect to fishery districts and fishery boards shall apply to a county borough, and to any other borough being a county of a city or county of a town and containing according to the census of one thousand eight hundred and eighty-one a population of ten thousand or upwards, as if that county borough or other borough were a separate county, and as if the council of the borough were substituted for the county council, and the borough fund or borough rate were substituted for the county fund.

Saving of rights of dredging.

89. Nothing in this Act shall prejudice the legal right of any conservators, directors, commissioners, undertakers, or other persons, to dredge, scour, cleanse, or improve any navigable river, canal or other inland navigation.

Crown exemption.

90. Save as otherwise expressly provided, nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises a fishery board or any person to take, or use, or in any manner to interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any land, hereditaments, subjects, or rights, of whatsoever description, belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively, without the consent in writing of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Provisions as to works below high-water mark.

91.—(1) Any works proposed to be constructed under the provisions of this Act on, over, or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

(2) Any alteration or extension of any such works shall be subject to the like approval.

(3) If any such work is commenced or completed contrary to the provisions of this section, the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the person who may have commenced or executed such work, or (if such person shall not be the owner of such work) of the owner thereof, and the amount of such cost shall be a debt due from such person or such owner to the Crown and shall be recoverable as a Crown debt or summarily.

(4) The provisions of this section shall be in addition to and not in derogation of any local Act applicable to any such works as aforesaid.

Interpretation.

92.—(1) In this Act, unless the context otherwise requires—

The expression "the Minister" means the Minister of Agriculture and Fisheries:

The expression "dam" includes any weir or other fixed obstruction used for the purpose of damming up water:

The expression "fishing mill dam" means a dam used or intended to be used partly for the purpose of taking or facilitating the taking of fish, and partly for the purpose of supplying water for milling or other purposes:

The expression "fishing weir" means any erection, structure, or obstruction fixed to the soil either temporarily or permanently across, or partly across, a river or branch of a river, and used for the exclusive purpose of taking or facilitating the taking of fish:

The expression "mill" includes any erection for the purpose of developing water power, and the expression "milling" has a corresponding meaning:

The expression "fixed engine" includes—

(*a*) stake net, bag net, putt, putcher; and

(*b*) any fixed implement or engine for taking or facilitating the taking of fish; and

(*c*) any net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way, not being a fishing weir or fishing mill dam; and

(*d*) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use the same for taking salmon or trout, and

any engine, device, machine, or contrivance, whether floating or otherwise, for placing or suspending such last-mentioned net or maintaining it in working order or making it stationary:

The expression "salmon" means all fish of the salmon species:

The expression "trout" means any fish of the salmon family commonly known as trout and includes "migratory trout" as hereinafter defined:

The expression "migratory trout" means trout which migrate to and from the sea:

The expression "freshwater fish" means any fish living in fresh water exclusive of salmon and trout and of any kinds of fish which migrate to and from tidal waters and of eels and the fry of eels:

The expression "rod and line" means single rod and line:

The expression "immature" in relation to salmon means that the salmon is of a length of less than twelve inches, measured from the tip of the snout to the fork or cleft of the tail, and in relation to any other fish, means that the fish is of a length less than such (if any) as may be prescribed by the byelaws applicable to the water in which the fish is taken:

The expression "unclean" in relation to any fish means that the fish is about to spawn, or has recently spawned and has not recovered from spawning:

The expression "fishery board" means any board of conservators or other similar body constituted under this Act, or any enactment repealed by this Act for the regulation of fisheries in a fishery district:

The expression "chairman" in relation to a fishery board includes an acting chairman:

The expression "owner" in relation to a fishery or premises includes any person who is entitled to receive the rents of the fishery or premises from the occupier thereof, or who would be so entitled if the fishery or premises were let to a tenant:

The expression "occupier" in relation to a fishery or premises includes any person for the time being in actual possession of the fishery or premises, whether that person is owner or not:

The expression "licensee" includes any person entitled to fish as agent or servant of a person holding a licence:

The expression "foreshore" includes the shore and bed of the sea and of every channel, creek, bay, estuary, and of every navigable river as far up the same as the tide flows:

The expression "river" includes "stream."

(2) This Act shall apply to char in like manner as to trout as if in this Act the expression trout included char.

Repeals.

93.—(1) The enactments specified in the Fifth Schedule to this Act are hereby repealed as to England and Wales to the extent specified in the third column of that schedule.

(2) Nothing in this repeal shall affect any order, warrant, appointment, certificate, notice, byelaw, licence or licence duty made, granted, issued, or payable under any enactment repealed by this Act, and in force at the commencement of this Act, but all such orders, warrants, appointments, certificates, notices, byelaws, licences and licence duties shall have effect as if made, granted, issued, or payable under this Act:

Provided that—

(i) the maximum penalties for offences against this Act shall be substituted for any maximum penalties imposed by such orders or byelaws in respect of breaches thereof; and

(ii) any byelaw or scale of licence duties relating to salmon or trout shall be construed as if the expressions salmon or trout in such byelaw or scale had the same meaning as in this Act.

Short title, commencement, and extent.

94.—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act, 1923.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four:

Provided that an order or byelaw may be made or a licence duty may be fixed or altered under this Act at any time after the passing of this Act if the same is declared to take effect on or after the said date.

(3) Save as in this Act otherwise expressly provided, this Act shall extend only to England and Wales.

SCHEDULES.

FIRST SCHEDULE.

Section 16.

Part I.

Provisions as to the Compulsory Acquisition of Obstructions and Fisheries by a Fishery Board.

(1) The order shall be in the prescribed form, and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect, and of protecting the fishery board and the persons interested in the obstruction or fishery, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except the provisions thereof relating to the sale of superfluous land) and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by an official arbitrator under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

8 & 9 Vict. c. 20.

9 & 10 Geo. 5. c. 57.

(2) The order shall be published by the fishery board in the prescribed manner, and such notice shall be given both in the locality in which the obstruction or fishery proposed to be acquired is situate and to the owners, lessees, and occupiers of that obstruction or fishery, as may be prescribed.

(3) If within the prescribed period no objection to the order has been presented to the Minister by a person interested in the obstruction or fishery, or if every such objection has been withdrawn, the Minister may, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Minister shall, before confirming the order, cause a public inquiry to be held in the locality in which the obstruction or fishery is proposed to be acquired, and the fishery board and all persons interested in the obstruction or fishery and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(4) Before confirming the order the Minister shall consider the report of the person who held the inquiry, and all objections made thereat.

(5) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the fishery board shall be deemed to be the promoters of the undertaking, and the obstruction or fishery shall be deemed to be land.

PART II.

PROVISIONS AS TO THE COMPULSORY HIRING OF OBSTRUCTION AND FISHERIES BY A FISHERY BOARD.

(1) The Minister shall make regulations for the purpose of carrying the order into effect and of protecting the fishery board and the persons interested in the obstruction or fishery, and the order shall incorporate such regulations, together with such provisions of the Lands Clauses Acts and of sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the fishery board necessary or expedient for that purpose.

(2) The order authorising the obstruction or fishery to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular shall provide for the insertion in the lease of covenants by the fishery board to maintain the obstruction or fishery in good condition or to pay to the landlord, at the determination of the tenancy of the fishery board, compensation for any depreciation of the obstruction or fishery by reason of any failure by the fishery board, or any person deriving title under them, to maintain the same in good condition.

(3) The determination of—

(*a*) the amount of the rent to be paid by the fishery board for the obstruction or fishery compulsorily hired ;

(*b*) the amount of any other compensation to be paid by the fishery board to any person entitled thereto in respect of the obstruction or fishery or any interest therein, or otherwise ; and

(*c*) when the obstruction or fishery is included in the lease of any land to a tenant, the rent to be paid for the residue of the premises comprised in the lease during the remainder of the term of the lease

shall in default of agreement be in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(4) The official arbitrator, in fixing the rent to be paid for the obstruction or fishery compulsorily hired, shall take into

consideration the rent (if any) at which the obstruction or fishery has been let and the annual value at which the obstruction or fishery is assessed for purposes of income tax or rating, the loss (if any) caused to the owner by severance, the terms and conditions of the hiring (including any reservation of fishing rights), and all the other circumstances connected with the obstruction or fishery.

(5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of the premises comprised in his lease caused by the withdrawal therefrom of the obstruction or fishery compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the premises during the remainder of the term for which they are held by the tenant.

(6) On the determination of any tenancy created by compulsorily hiring, any question as to the amount due by the fishery board for depreciation or breach of covenant shall, in default of agreement, be determined by an arbitrator appointed by the Minister.

SECOND SCHEDULE.

Section 38.

MODIFICATION OF THE LANDS CLAUSES ACTS.

The following modifications shall have effect in the construction of the Lands Clauses Acts incorporated by this Act for the purposes of Part IV. thereof:—

(1) The expression "Special Act" means the Act inclusive of any order made thereunder authorising the compulsory acquisition of any part of the foreshore except that the period of three years mentioned in section one hundred and twenty-three of the Lands Clauses (Consolidation) Act 1845 shall be calculated from the date when the order comes into operation: 8 & 9 Vict. c. 18.

(2) Any question as to disputed compensation shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919:

(3) The expression "the promoters" means the fishery board constituted by the order:

(4) The expression "land" includes easements in or relating to land.

Section 49.

THIRD SCHEDULE.

RULES AS TO NOMINATION AND ELECTION OF REPRESENTATIVE MEMBERS OF FISHERY BOARDS.

1. Every person qualified to vote is in this schedule referred to as an elector.

2. Within a reasonable time before the first meeting of the fishery board in every year, the returning officer shall sign and publish a notice specifying the number of representative members to be elected, and shall send a copy of such notice by post, with a nomination paper to every elector.

3. The notice shall specify a day on or before which the nomination papers are to be sent to the returning officer.

4. Any elector may fill up the nomination paper with his own name, or with the name or names of any other person or persons (not exceeding the number of persons to be elected), and send the nomination paper by post to the returning officer on or before the specified day.

5. If the number of persons nominated is the same as or less than the number of persons to be elected, the persons nominated shall be deemed to be elected, and shall be certified as elected by the returning officer under his hand.

6. If the number of persons nominated exceeds the number of persons to be elected, the returning officer shall send by post to each elector a voting paper containing in alphabetical order the names of all persons nominated, and shall specify a day, not less than five days or more than ten days from the date of sending the voting paper, on or before which the voting paper is to be returned to him.

7. Every voter shall, in the presence of a witness, insert against the name of every candidate (not exceeding in the whole the number to be elected) for whom he intends to vote, the number of votes which he intends to give to the candidate, and sign the voting paper with his name and address. Provided that if the voter cannot write, the witness shall attest and write his own initials against the mark of the voter, and shall fill up the number of votes the voter intends to give to each candidate. In every case the witness shall subscribe his own name and address to the voting paper.

8. Each voter shall be entitled to the number of votes following; (that is to say,)

if the licence duty paid by him in the last preceding fishing season exceeds one pound and does not exceed two pounds, one vote for every member to be elected:

if the licence duty exceeds two pounds and does not exceed five pounds, two votes for every such member:

if the licence duty exceeds five pounds and does not exceed ten pounds, three votes for every such member:

if the licence duty exceeds ten pounds and does not exceed twenty pounds, four votes for every such member; and

if the licence duty exceeds twenty pounds, five votes for every such member.

9. A voter may give all his votes to one candidate, or distribute them amongst such of the candidates, not exceeding the number to be elected, as he thinks fit.

10. The voter shall send the voting paper by post to the returning officer, duly filled up and attested, on or before the day fixed for its return.

11. If an elector has not received a voting paper, he shall be entitled, on his personal application to the returning officer, before the day fixed for the return of the voting papers, to receive and fill in a voting paper in manner aforesaid.

12. The returning officer shall, within four days after the day fixed for the return to him of the voting papers, inquire into the validity of the votes given, and cast up and ascertain the number of valid votes given to each candidate, and the candidates, not exceeding the number to be elected, who have obtained the greatest number of valid votes shall be deemed to be elected, and the returning officer shall certify them to be elected under his hand.

13. If an equal number of votes has been given for two or more candidates, one or more of whom only is or are entitled to be elected, the returning officer shall, in the presence of two witnesses, determine by lot which of such candidates is or are elected, and the candidate or candidates so determined shall be deemed to be duly elected.

14. The returning officer shall, immediately after ascertaining the persons elected, send by post to each person elected a notice of his election.

15. The returning officer shall make out a list containing the names of all persons nominated, together (in case of a

contest) with the number of valid votes given to each candidate, and shall sign and certify the same, and shall deliver such list, together with the nomination and voting papers, to the fishery board at their next meeting; and such list shall be open to the inspection of all licence payers without fee.

16. The nomination paper and voting paper shall be in such form as the Minister may prescribe.

Section 84.

FOURTH SCHEDULE.

PART I.

LIMITS OF SOLWAY DISTRICT.

So much of the estuary known as the Solway Firth as lies to the east of a line drawn from the most projecting point of land south-east of Whitehill between Portling Bay and Portowarren Bay to the northern boundary of the parish and township of Seaton, in the county of Cumberland, including the foreshore and all rivers, creeks, and streams, and water as far as the tide flows and reflows, except so much of the Rivers Ellen, Waver, Wampool, Eden, Esk, Sark, Annan, Lochar, and Nith, and their estuaries, as lies above the following lines, namely:—

As respects the River Ellen, a line across the river along the seaward side of the bridge in Station Street, Maryport;

As respects the River Waver, a line across the river along the seaward side of the North British Railway bridge at Abbey Junction;

As respects the River Wampool, a line across the river along the seaward side of the Solway Junction Railway bridge;

As respects the Rivers Esk and Eden, a line across those rivers from the eastern side of the mouth of the River Sark, at Sark Foot, to Burgh Marsh Point;

As respects the River Sark, a line across the river drawn true west from the southern extremity of the eastern bank of the river at Sark Foot;

As respects the River Annan, a line across the river drawn true north from the lighthouse at Annan Foot;

As respects the River Lochar, a line across the river drawn true east from the eastern extremity of the southern bank;

As respects the River Nith, a line drawn from the eastern extremity of the southern bank of New Abbey Pow to Scar Point, in Dumfriesshire.

The said lines shall be more particularly delineated on a plan approved for the purposes of the order by the Minister and the Fishery Board for Scotland, and shall be marked in such manner as may be prescribed by the order.

PART II.

ENACTMENTS WHICH ARE TO CEASE TO APPLY WITHIN THE SOLWAY DISTRICT.

The Salmon Fisheries (Scotland) Acts, 1828 to 1868, except sections twenty-three and thirty-three of the Salmon Fisheries (Scotland) Act, 1862, and the provisions of the Salmon Fisheries (Scotland) Act, 1868, relating to offences, so far as they are applied by this Act.

The local Act of the session of the forty-fourth year of the reign of His Majesty King George the Third, chapter forty-five, intituled "An Act for the better regulating and improving the fisheries in the arm of the sea between the county of Cumberland and the counties of Dumfriesshire and Wigton and the stewartry of Kircudbright, and also the fisheries in the several streams and waters which run into or communicate with the said arm of the sea."

The local Act of the session of the fourth and fifth years of the reign of Her Majesty Queen Victoria, chapter eighteen, intituled "An Act for the more effectual preservation and improvement of the fisheries in the River Annan, in the county of Dumfries, and in the streams and waters running into the same and on the shores or sea coasts adjacent to the mouth or entrance of the said river."

All other enactments relating to salmon fisheries in Scotland.

Section 93.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter of Act.	Title.	Extent of Repeal.
24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1861	The whole Act.
26 & 27 Vict. c. 10.	The Salmon Acts Amendment Act, 1863.	The whole Act.
28 & 29 Vict. c. 121.	The Salmon Fishery Act, 1865	The whole Act.
33 & 34 Vict. c. 33.	The Salmon Acts Amendment Act, 1870.	The whole Act.
36 & 37 Vict. c. 71.	The Salmon Fishery Act, 1873	The whole Act.
39 & 40 Vict. c. 19.	The Salmon Fishery Act, 1876	The whole Act.
39 & 40 Vict. c. 34.	The Elver Fishing Act, 1876	The whole Act.
40 & 41 Vict. c. 65.	The Fisheries (Dynamite) Act, 1877	The whole Act.
40 & 41 Vict. c. xcviii.	The Norfolk and Suffolk Fisheries Act, 1877.	The whole Act.
41 & 42 Vict. c. 39.	The Freshwater Fisheries Act, 1878	The whole Act.
42 & 43 Vict. c. 26.	The Salmon Fishery Law Amendment Act, 1879.	The whole Act.
47 & 48 Vict. c. 11.	The Freshwater Fisheries Act, 1884	The whole Act.
49 & 50 Vict. c. 2.	The Freshwater Fisheries Act, 1886	The whole Act.
49 & 50 Vict. c. 39.	The Salmon and Freshwater Fisheries Act, 1886.	The whole Act.
54 & 55 Vict. c. 37.	The Fisheries Act, 1891	Section twelve.
55 & 56 Vict. c. 50.	The Salmon and Freshwater Fisheries Act, 1892.	The whole Act.
59 & 60 Vict. c. 18.	The Fisheries (Norfolk and Suffolk) Act, 1896.	The whole Act.
7 Edw. 7. c. 15.	The Salmon and Freshwater Fisheries Act, 1907.	The whole Act.
11 & 12 Geo. 5. c. 38.	The Salmon and Freshwater Fisheries Act, 1921.	The whole Act.

CHAPTER 17.

An Act to amend the Explosives Act, 1875.

[18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Precautions to be taken by occupiers.

38 & 39 Vict. c. 17.

1.—(1) Where the Secretary of State is satisfied that owing to the existence of any special circumstances special precautions require to be taken under section twenty-three of the Explosives Act, 1875 (in this Act referred to as the principal Act), for the prevention of accidents by fire or explosion in any such factory, magazine, store, or registered premises as is referred to in that section, or for preventing unauthorised persons having access thereto he may by order prescribe the special precautions to be taken, and any contravention of or failure to comply with the terms of such order shall be deemed to be a breach of that section.

(2) Without prejudice to any penalty imposed by the said Act, it shall be lawful for the Secretary of State, where he is satisfied that the provisions of any such order are not complied with, to cause steps to be taken to secure compliance therewith, and to recover from the occupier as a debt due to the Crown the expense of taking any such steps.

Restriction on employment of young persons in gunpowder factories, magazines, and stores.

2.—(1) Section ten of the principal Act (which contains general rules to be observed in every gunpowder factory and magazine) shall have effect with the substitution of the following general rule for rule (11) thereof—

"(11) A person under the age of eighteen years shall not be employed in or enter any danger building except in the presence and under the supervision of some person of the age of twenty-one years or upwards, and a person under the age of sixteen years, shall not be employed in any such building except in some process which has

been declared by an Order made by the Secretary of State to be a process which is not in itself dangerous and except in the presence and under the supervision of some person of the age of twenty-one years or upwards."

(2) Section seventeen of the principal Act (which contains general rules to be observed in every gunpowder store) shall have effect with the substitution of the following general rule for rule (10) thereof—

"(10) A person under the age of eighteen years shall not be employed in or enter the store except in the presence and under the supervision of some person of the age of twenty-one years or upwards."

Amendment of ss. 5 and 22 of principal Act.

3. The maximum fine to which a person shall be liable for an offence under section five or for an offence under section twenty-two of the principal Act (which relate to the keeping of gunpowder) shall be either a fine of the maximum amount specified in the relevant section or a fine of one hundred pounds, whichever is the greater; and those sections and any other provisions of the said Act relating thereto shall have effect accordingly.

Byelaws as respects dockyard ports.

4.—(1) The powers of the Minister of Transport to make byelaws under section thirty-four of the principal Act as respects any part of the coastal or tidal waters for which there is no harbour authority may, as respects any dockyard port, be exercised by the Admiralty.

28 & 29 Vict. c. 125.

(2) In this section the expression "dockyard port" means a dockyard port as defined under the Dockyard Port Regulation Act, 1865, and the powers given by this section shall be in addition to, and not in derogation of, any powers otherwise vested in the Admiralty.

Short title and extent.

5.—(1) This Act may be cited as the Explosives Act, 1923, and the principal Act and this Act may be cited together as the Explosives Acts, 1875 and 1923.

(2) This Act shall not apply to Northern Ireland.

CHAPTER 18.

An Act to enable local authorities under certain circumstances to maintain, repair and protect war memorials vested in them.

[18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Expenditure in maintenance, &c., of war memorials.

1. A local authority may incur reasonable expenditure in the maintenance, repair and protection of any war memorial within their district which may be vested in them.

Approval of county council or Minister of Health.

2. Any expenditure to be incurred under this Act by a local authority shall—

(*a*) in the case of a parish council or parish meeting, be limited to an amount which will not involve a rate exceeding a penny in the pound for any financial year, and be subject to the approval of the county council;

(*b*) in the case of any other local authority, be limited to an amount from time to time approved by the Minister of Health.

Application.

3. The provisions of this Act shall not apply to a war memorial provided or maintained by a local authority in the exercise of any other statutory power.

Definition.

4. In this Act the expression "local authority" means the council of a county, county borough, metropolitan borough or other borough, or of an urban district or parish, and the parish meeting of a rural parish with no parish council.

Short title.

5. This Act may be cited as the War Memorials (Local Authorities' Powers) Act, 1923.

Repealed by the Supreme Court of Judicature (Consol.idation) Act 1925 (c. 49)

CHAPTER 19.

An Act to amend the Matrimonial Causes Act, 1857. [18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Right of wife to divorce husband for adultery.

1. It shall be lawful for any wife to present a petition to the court praying that her marriage may be dissolved on the ground that her husband has, since the celebration thereof and since the passing of this Act, been guilty of adultery : Provided that nothing contained herein shall affect or take away any right of any wife existing immediately before the passing of this Act.

Amendment of 20 & 21 Vict. c. 85. s. 27.

2. The provisions of the Matrimonial Causes Act, 1857, set out in the Schedule to this Act are hereby repealed.

Short title.

3. This Act may be cited as the Matrimonial Causes Act, 1923, and shall be construed as one with, and may be cited with, the Matrimonial Causes Acts, 1857 to 1919.

Section 2.

SCHEDULE.

Section twenty-seven the words "incestuous adultery or of "bigamy with"; and the words "or of adultery coupled with "such cruelty as, without adultery, would have entitled her to a "divorce a mensâ et thoro, or of adultery coupled with desertion, "without reasonable excuse, for two years or upwards;" and all the words in the proviso.

CHAPTER 20.

An Act to make provisions for facilitating the working of minerals and for imposing restrictions on the working of minerals required for the support of railways, buildings, and works.

[18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Rights of working Minerals and rights ancillary thereto and of Support.

Rights of working and rights ancillary to the working of Minerals.

Power to grant right to work minerals which would otherwise be unworkable.

1.—(1) Where there is danger of minerals being left permanently unworked—

(*a*) by reason of the minerals being comprised in or lying under land which is or has been copyhold land, or land subject to a lease exception reservation restriction covenant or condition, or otherwise not being capable of being worked without the concurrence of two or more persons;

(*b*) by reason of the minerals being owned in such small parcels that they cannot be properly or conveniently worked by themselves;

a right to work the minerals may be conferred in the manner and subject to the provisions hereinafter appearing on any person having an interest in them, or, in the case of minerals owned in small parcels, in minerals adjacent to them, who is desirous of working them either by himself or through his lessees.

(2) For the purposes of this Part of this Act, references to working minerals shall include references to working, carrying away, treating, and converting minerals.

Power to grant right to work minerals where adjustment of boundaries between two mines agreed.

2. Where the persons working two adjoining mines have agreed on an adjustment of boundaries between the mines with a view to reducing the amount of minerals to be left unworked between the mines, or to enabling the minerals to be worked more efficiently or more economically, and effect cannot be given to the agreement by reason of the failure or refusal of the lessors of the mines or the owners of the surface, or any of them, to concur, a right to work the minerals in accordance with such adjusted boundaries may be conferred in the manner and subject to the provisions hereinafter appearing on the persons working the mines respectively.

Power to grant ancillary rights for facilitating the working of minerals.

3.—(1) Where any facility, right, or privilege is required in order that minerals may be properly and conveniently worked by the person entitled to work the same, and the proper and efficient working of the minerals is unduly hampered by the inability or failure of that person to obtain such right, facility, or privilege (hereinafter referred to as an ancillary right), such ancillary right may be conferred in the manner and subject to the provisions hereinafter appearing on the person having the right to work the minerals who is working or desirous of working them either by himself or through his lessees.

(2) In particular, but without prejudice to the generality of the foregoing provision, such ancillary rights shall include—

(*a*) A right to let down the surface;

(*b*) A right of air-way, shaft-way, or surface or underground wayleave, or other right for the purpose of access to or conveyance of minerals or the ventilation or drainage of the mines;

(*c*) A right to use and occupy the surface for the erection of washeries, coke ovens, railways, by-product works, or brick making or other works, or of dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid;

(*d*) A right to obtain a supply of water or other substances in connection with the working of minerals;

(*e*) A right to dispose of water or other liquid matter obtained from mines or any by-product works.

(3) An ancillary right may be granted to a person to whom a right of working minerals is granted in pursuance of section one of this Act at the time when such last-mentioned right is granted or at any subsequent time.

Limitation on power of granting rights.

4.—(1) Neither the right to work minerals nor an ancillary right shall be granted under this Act unless it is shown that it is not reasonably practicable to obtain the right in question by private arrangement for any of the following reasons:

(*a*) that the persons with power to grant the right are numerous or have conflicting interests;

(*b*) that the persons with power to grant the right, or any of them, cannot be ascertained or cannot be found;

(*c*) that the persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition, whether by reason of defect in title, legal disability or otherwise;

(*d*) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

(2) For the purposes of this Part of this Act, a person whose concurrence is necessary for the exercise of a right to work minerals shall be deemed to be a person having power to grant the right, or a person from whom the right must be obtained, as the case may be.

Applications for rights.

5.—(1) Any person having an interest in any minerals who is desirous of working, either by himself or through a lessee, those minerals, or any adjacent minerals, and who considers that the circumstances are such that a right to work the minerals can be granted under this Part of this Act, may send to the Board of Trade an application for the grant of such a right.

(2) Any person having a right to work any minerals or applying for such a right who, for the purpose of or in connection with working those minerals either by himself or through a lessee, is desirous of obtaining an ancillary right, and who considers that the circumstances are such that such an ancillary right can be granted under this Part of this Act, may send to the Board of Trade an application for the grant of such a right.

(3) An application under this section shall set forth the circumstances alleged to justify the grant of the right, and shall be in such form, and accompanied by such information verified in such manner, as the Board may direct.

(4) The Board shall consider the application, and shall, unless after communication with such other parties interested (if any) as they may think fit they are of opinion that a primâ facie case is not made out, refer the matter to the Railway and Canal Commission:

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Board shall not so refer the application to the Commission without first having communicated with that person.

(5) When the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Board of Trade to affect any local authority, the Board before referring the application to the Commission shall send a copy thereof to the local authority in order to enable them to take such steps as they think fit for placing their views before the Commission.

References to Railway and Canal Commission.

6.—(1) Where a matter is so referred to the Commission, the Commission, if satisfied that the requirements of this Part of this Act are complied with in the case of the applicant, and that it is expedient in the national interest that the right applied for should be granted to him, may, by order, grant the right on such terms and subject to such conditions, and for such period, as the Commission may think fit, and upon such an order being made, the right specified in the order shall, subject to the provisions hereinafter contained, vest in the applicant.

(2) Where such a right is granted, such compensation or consideration as in default of agreement may be determined by the Commission shall be paid or given by the applicant in respect of the acquisition of the right to such persons as the Commission may determine to be entitled thereto.

(3) In determining the duration of any right to be granted the Commission shall have regard to the time

reasonably necessary to enable the minerals to be fully worked, and where the applicant's interest in any minerals in virtue of which he is entitled to make the application is an interest as lessee, shall have regard to the duration of such interest.

(4) Where the right applied for is a right to let down the surface, the Commission in determining whether the right should be granted—

(*a*) shall have regard to the value of the minerals required for the support of any works or buildings or intended works or buildings on or below the surface as compared with the value of the buildings or works, and as to whether the support of the buildings or works or intended works or buildings is in the national interest more important than the working of those minerals; or

(*b*) if there are no such buildings or works, shall have regard to the extent to which the use of the surface for the purposes for which it is used or is intended to be used will be prejudicially affected by subsidence, and as to whether the support of the surface is in the national interest more important than the working of the minerals required for the support thereof.

(5) In determining whether any right should be granted or the conditions upon which any such right should be granted the Commission shall have regard to all the circumstances of the case, and in particular to the extent to which the retention of any minerals is required for the protection of any mines or other works from flooding, or for any other mining purpose, and (so far as relevant) to the royalties, covenants, and conditions reserved by or contained in the applicant's existing mining lease or leases (if any), or customary in mining leases in the district.

Provisions where several applications in respect of the same rights.

7.—(1) Where separate applications are made by two or more persons for the right to work the same minerals and are referred to the Commission, the Commission, in addition to the matters aforesaid, shall determine which, if any, of the applicants is to be preferred, or whether the right to work one part of the minerals

should be granted to one applicant and the right to work another part should be granted to another applicant; and in arriving at their determination the Commission shall have regard to the question as to how the minerals can be most conveniently worked, to the respective rights of the applicants in the surface or adjacent minerals, and generally to all the circumstances of the case.

(2) This section shall apply to cases of applications by two or more persons for the same ancillary right subject to the necessary modifications, and in particular subject to this modification, that the right may be granted to the applicants, or to any two or more of them, jointly.

Restrictions on working Minerals required for Support.

Restrictions on working minerals required for support.

8.—(1) If any person having an interest in any land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, erected or constructed, or intended to be erected or constructed, on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section four of this Act, he may send to the Board of Trade an application that such restrictions may be imposed on the working of the minerals under that land and the land adjacent thereto as he may consider necessary to secure sufficient support to the buildings or works.

(2) An application under this section shall set forth the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information verified in such manner, as the Board may direct.

(3) The Board shall consider the application, and shall, unless after communication with such other parties interested (if any) as they think fit, they are of opinion that a primâ facie case is not made out, refer the matter to the Railway and Canal Commission :

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Board shall not so

refer the application to the Commission without first having communicated with that person.

(4) Where any such case is referred to the Commission, the Commission, if satisfied that the requirements of this section are complied with in the case of the applicant, and that it is expedient in the national interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as the Commission may think just, and upon such order being made the right to enforce the restrictions imposed by the order shall, subject to the provisions hereinafter contained, vest in the applicant.

(5) Where restrictions are imposed, such compensation or consideration as in default of agreement may be determined by the Commission shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the Commission may determine to be entitled thereto.

(6) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage thereto.

(7) In determining whether restrictions should be imposed the Commission shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused thereto by subsidence, as compared with the value of the minerals, or to the importance in the national interest of the erection or preservation of the buildings or works, as compared with the importance in the national interest of the working of the minerals.

(8) For the purposes of this section, where any building or work is an ancient monument within the meaning of the Ancient Monuments Consolidation and Amendment Act, 1913, and is, in pursuance of that Act, under the guardianship or protection of the Commissioners of Works, or is under the guardianship of a local authority, the Commissioners of Works or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section. 3 & 4 Geo. 5. c. 32.

General.

Provisions for compensation.

9.—(1) Where a right to work minerals or an ancillary right is granted or any restriction on the working of minerals is imposed under this Part of this Act, the Commission may determine the amount and nature of compensation or consideration to be paid or given and the persons to whom it is to be paid or given, either at the time when they determine whether the right should be granted or the restrictions imposed or at any subsequent time.

(2) The compensation or consideration in respect of any right, including a right to enforce restrictions, shall be assessed by the Commission on the basis of what would be fair and reasonable between a willing grantor and a willing grantee, having regard to the conditions subject to which the right is or is to be granted.

(3) Where the person to whom any compensation or consideration is payable cannot be found or ascertained, the compensation or consideration shall be paid into court.

(4) The Commission may impose as a condition on the grant of any right or the imposition of any restriction that any compensation or consideration payable in respect thereof shall be paid, or that security to the satisfaction of the Commission for the payment thereof shall be given, before the right is commenced to be exercised, or the restriction is enforced.

Provisions as to the Railway and Canal Commission. 51 & 52 Vict. c. 25.

10.—(1) The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, relating to the procedure for the determination of questions under that Act (including the provisions relating to appeals) shall apply to the determination of questions relating to applications under this Act as if they were herein re-enacted and in terms made applicable to the provisions of this Act:

Provided that—

(*a*) the Commission, in any case in which they think it expedient to do so, may call in the aid of one or more qualified assessors and hear the case wholly or partially with the assistance of such assessors;

(*b*) the Commission may hold a local inquiry for the purposes of this Part of this Act by any

one of their members, or by an officer of the Commission, or other person whom they may direct to hold the same, and the said provisions of the Railway and Canal Traffic Act, 1888 (except the provisions relating to appeals), shall, so far as applicable, apply to such inquiries, and any member, officer, or other person directed to hold an inquiry shall have power to administer oaths, and shall report the result of the inquiry to the Commission;

(*c*) the discretion of the Commission with respect to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894; 57 & 58 Vict. c. 54.

(*d*) the rules regulating the procedure of the Commission may apply any of the provisions of the Lands Clauses Acts relating to the payment of compensation so far as not inconsistent with the provisions of this Part of this Act.

(2) The Board of Trade and any other Government Department shall give to the Commission such assistance as the Commission may require for the purposes of their duties under this Part of this Act, and shall be entitled to appear and be heard at any proceedings on an application before the Commission under this Part of this Act.

Effect of grant of right.

11. A right granted under this Part of this Act shall not confer on the person to whom it is granted any greater or other power than if the right had been granted by a person legally entitled to grant the right, or relieve the grantee from any obligation or liability to which he would have been subject had the right been granted by such a person.

Provisions as to tenants for life, &c.

12. An order under this Part of this Act may confer rights on a tenant for life or on any person having the statutory powers of a tenant for life, or any trustee, personal representative, or other person in a fiduciary position, and, where any such rights are so conferred upon any such person, the rights shall be deemed to form part of the property subject to the settlement or the estate of the deceased person or the property subject to the trust as the case may be.

Saving of rights under the Railways Clauses Act, &c.
8 & 9 Vict. c. 20.

13. Nothing in this Part of this Act shall prejudicially affect the right under the Railways Clauses Consolidation Act, 1845, or any Act modifying that Act, including Part II. of this Act, or any other Act, whether public general, or local and private, of any railway or canal company local authority or other statutory body to acquire minerals for the purposes of support, or any rights or interests in minerals which may have been acquired by any such company authority or body, or any right of support from minerals to which any such company, authority or body may be entitled, or any right empowering any such company authority or body to acquire the rights to which they are entitled directly or indirectly under any special Act or order relating to the company authority or body or any statute incorporated therewith, or shall confer on any such company authority or body a right to acquire under this Part of this Act any rights to prohibit or restrict the working of minerals.

Interpretation.

14.—(1) For the purposes of this Part of this Act, unless the context otherwise requires—

"Minerals" includes all minerals and substances in or under land obtainable by underground or by surface working;

"Surface" in relation to land includes any buildings, works or things erected, constructed or growing thereon;

"Right to let down the surface" includes a right to let down superincumbent or adjacent strata up to and including the surface;

"Lease" includes underlease or other tenancy and a licence, and "lessor" and "lessee" have corresponding meanings;

"Copyhold land" has the same meaning as in the Law of Property Act, 1922.
12 & 13 Geo. 5. c. 16.

(2) In the application of this Part of this Act to Scotland for the reference to the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to the Railways Clauses Consolidation (Scotland) Act, 1845.
8 & 9 Vict. c. 33.

Part II.

Minerals under Railways.

Amendment of 8 & 9 Vict. c. 20. ss. 78 to 85 as incorporated in future Acts.

15. The Railways Clauses Consolidation Act, 1845, as incorporated in any Act, order, or other instrument relating to a railway company passed or made after the passing of this Act, shall, except as otherwise expressly provided in that Act order or instrument, have effect as if for sections seventy-eight to eighty-five thereof, inclusive, the following provisions were substituted, and as if the First, Second and Third Schedules to this Act were inserted in that Act as the First, Second and Third Schedules thereto.

Conditions under which minerals under railway may be worked.

78.—(1) If the mine owner of minerals lying under an area of protection as hereinafter defined is desirous of working any such minerals, he shall give to the company and also to the royalty owner (if any) notice of his intention so to do at least thirty days before the commencement of the working and on the receipt of such notice the company and the royalty owner respectively may cause the minerals to be inspected by any person appointed for the purpose by the company or royalty owner as the case may be.

(2) If it appears to the company that the working of any of the minerals to which such notice relates will be likely to damage the railway or works or any part thereof, the company may, at any time after the receipt of such notice, give a counter-notice to the mine owner requiring him to leave unworked all or any part of such minerals, and the counter-notice shall specify the minerals (hereinafter referred to as the specified minerals) so required to be left unworked and the particular portion of the railway or works (hereinafter referred to as the protected works) for the support of which the specified minerals are required to be left unworked.

(3) Where any such counter-notice has been served on the mine owner, he shall forthwith serve a copy thereof on the royalty owner (if any).

(4) Where any such counter-notice has been served on the mine owner, the specified minerals shall not be worked or got after the service of the counter-notice, and the company shall pay compensation to the mine owner and the royalty owner (if any) for the loss caused by the specified minerals being left unworked.

(5) The area of protection in relation to any seam of minerals shall be the area comprising any railway or works of the company and such a lateral distance therefrom, on all or both sides thereof, as is equal at each point along the railway to one-half of the depth of the seam at that point or forty yards, whichever be the greater; and, when the said lateral distance exceeds forty yards, the area of protection shall be divided into two areas:

(*a*) an inner area of protection consisting of the area comprising the railway or works and a distance of forty yards therefrom on all or both sides thereof; and

(*b*) an outer area of protection consisting of so much of the area of protection as is not included in the inner area of protection.

Compensation for leaving minerals unworked.

78A.—(1) The compensation payable by the company to the mine owner and the royalty owner respectively for the loss caused by the specified minerals being left unworked shall, in default of agreement, be determined by arbitration:

Provided that so far as such compensation is payable in respect of the value of specified minerals—

(i) the compensation payable to the mine owner and to the royalty owner shall be separately assessed;

(ii) the compensation payable to the mine owner shall be a sum for each ton of the specified minerals, the rate per ton in the case of minerals lying under the outer area of protection being one-third of the rate which is or would be awarded in the case of minerals lying under the inner area of protection;

(iii) the compensation payable to the royalty owner shall be based on the amount

which would have been received from time to time by way of royalty in respect of the specified minerals if they had been worked out in the ordinary course, and the royalties payable had been—

(*a*) in the case of such of the specified minerals as lie under the inner area of protection, the same as those reserved by and payable under the lease comprising the minerals and subsisting at the date of the counter-notice; and

(*b*) in the case of such of the specified minerals as lie under the outer area of protection, one-third of the royalties so reserved and payable with the addition to such one-third of one penny per ton;

(iv) in every case the arbitrator shall state in his award the tonnage of the specified minerals on which his award is based.

(2) The mine owner shall also be entitled to be paid by the company the amount of any increase in the cost of working any part of his minerals (other than the specified minerals) which may have been caused by the failure of the company to give the counter-notice within such a reasonable time as would have enabled the mine owner to avoid such increase in cost, and, in default of agreement, the amount so payable by the company shall be determined by arbitration.

Power to work minerals not affected by a counter-notice.

79.—(1) If within thirty days from the service by a mine owner on the company of a notice of intention to work any minerals no counter-notice is served by the company, the mine owner may, after the expiration of those thirty days, and until a counter-notice is served, work any minerals to which the notice relates, so, nevertheless, that the same be done in the manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such minerals in the district where the same shall be situated.

Where a counter-notice is served, whether before or after the expiration of the said thirty days, and the counter-notice does not require the

mine owner to leave unworked the whole of the minerals to which the notice relates, the foregoing provisions shall apply to any minerals to which the notice relates which are not specified minerals in like manner as if no such counter-notice had been served.

(2) If any damage or obstruction is occasioned to the railway or works by any improper working of such minerals, the same shall be forthwith repaired or removed (as the case may require) and such damage made good by the mine owner at his own expense; and if such repair or removal is not forthwith done, or, if the company think fit, without waiting for the same to be done by the mine owner, they may execute the same and recover from the mine owner the expense occasioned thereby by action.

Liability in respect of authorised workings.

79A.—(1) If a mine owner works any minerals lying under any part of the area of protection in the manner authorised by this Act, he shall nevertheless become liable on demand by the company (subject as hereinafter provided) to contribute towards the expenses properly incurred, or to be incurred, by the company from time to time thereafter in making good any damage caused by such working to the railway or works of the company (not being protected works comprised in any counter-notice relating to such area of protection) the appropriate percentage (if any) of those expenses, the appropriate percentage being such as is specified in the First Schedule to this Act according to the depth of the minerals being so worked.

(2) The liability of a mine owner under this section in respect of any part of the railway or works on which such expenditure has been incurred shall not exceed an aggregate sum equivalent to sixpence for each ton of the commercially workable minerals, gotten or ungotten, in such part of any seams as lies under the area ascertained as respects the several seams in accordance with the rules contained in the Second Schedule to this Act, being seams which have been or are being worked under such area as aforesaid:

Provided that, in ascertaining such aggregate sum as aforesaid, minerals gotten more than six years before the date on which a contribution shall have been demanded by the company under this section shall not be reckoned.

(3) Any mine owner making a contribution under this section, who is a lessee, shall be entitled to deduct from any royalties then or thereafter becoming due from him to the royalty owner under the lease, one-third part of the amount which he has so contributed as aforesaid, subject, however, to this limitation: that if the royalty payable by the mine owner under his lease is at the rate of less than six pence per ton, the amount deducted shall not exceed the amount produced by multiplying one-third of such rate per ton by the tonnage of the minerals with reference to the aggregate amount of which the maximum liability of the mine owner is to be so calculated as aforesaid; and, where the mine owner is entitled to make such a deduction, the sum reserved by and payable under the lease shall be deemed to be the net amount arrived at after making the deduction:

Provided that no such deduction shall be allowed when the liability of the mine owner to the company is a liability arising out of an arrangement between the mine owner and the company with respect to the working of minerals under or near the railway or works.

(4) The liability of a mine owner under this section shall be subject to the following further limitation as respects damage done by workings in any single mine, that is to say, that when the aggregate of the sums paid by the mine owner in satisfaction of such liability amounts to a sum equivalent to sixpence for each ton of commercially workable minerals, gotten or ungotten, in such part of any seams as lies within the mine and under an area extending laterally on both sides of the railway or works to a distance ascertained in accordance with Rule 1 of the said Second Schedule and extending longitudinally to a distance co-extensive with the portion of the railway lying over or adjacent to the mine, being seams which have been or are being worked under such area as

aforesaid, the mine owner shall not be liable to make any further contribution under this section towards the expenses of making good any damage caused to any part of the railway or works by the working of such seams as aforesaid in that mine.

For the purposes of this provision, all the minerals which the mine owner is entitled to work, and which have been, or would in the ordinary course of events and in accordance with good mining practice be, worked from the same shafts or adits shall be deemed to be a single mine.

Where the liability of a mine owner under subsection (2) of this section is reduced by the operation of this subsection, the right of the mine owner under subsection (3) thereof to make deductions from royalties shall be proportionately reduced.

(5) Where a single mine, as hereinbefore defined, is held under leases granted by more than one lessor, any deductions which the mine owner is authorised under this section to make shall be made from the royalties payable to such one or more of such lessors, and in the latter case in such proportions, as in default of agreement may, on the application of the mine owner or any of the royalty owners, be determined by arbitration.

(6) If any dispute arises as to the amount of the expenses towards which a mine owner is liable to contribute under this section, or the amount of his contribution, or the amount to be deducted as between a mine owner and a royalty owner, it shall be settled by arbitration, and, where any such arbitration between a company and a mine owner is to be held, the royalty owner (if any) shall be entitled to have notice of the intended arbitration, and to appear and be heard at the arbitration proceedings.

Notices and accounts with respect to damage.

79B.—(1) When and so far as reasonable and practicable, the company shall give notice to the mine owner and the royalty owner (if any) affected specifying particulars of—

(i) the railway or works to which damage has been caused or to which damage is apprehended from the working of any minerals

under the area of protection sufficient to enable the same to be identified;

(ii) the nature of the damage or apprehended damage; and

(iii) the nature of the works intended to be carried out for the purpose of making good or preventing the damage.

(2) The company shall keep separate accounts differentiating the cost of the ordinary maintenance of the railway or works from the cost of making good any damage caused to the railway or works by the working of any minerals under the area of protection, and such accounts shall, at all reasonable times, be open for inspection by or on behalf of a mine owner working minerals under or near to such railway or works and the royalty owner (if any) of such minerals.

Rights of access through specified minerals.

80. If the working of any minerals is prevented under this Act by reason of a counter-notice, a mine owner whose minerals extend so as to lie on both sides of the specified minerals may cut and make such airways, headways, gateways, or water levels through the specified minerals and the strata above or below the same or any of them as may be requisite to enable him to ventilate, drain, and work his remaining minerals; but no such airway, headway, gateway, or water level shall be cut or made upon or so as to injure any part of the protected works, or within forty yards of any other airway, headway, gateway, or water level, nor shall the same without the consent of the company (which consent shall not be unreasonably withheld) be greater than eight feet wide and eight feet high, unless the top of the same is more than one hundred and sixty yards below the average rail level of the protected works, or, if the top exceeds that distance, than thirteen feet wide and eight feet high.

Additional expenses for severance.

81.—(1) Where a counter-notice has been given by the company to a mine owner, the company shall from time to time pay to the mine owner the appropriate percentage (if any) of all such additional expenses and losses as may be

incurred by such mine owner in consequence of such counter-notice by reason of—

(i) the continuous working of the mine being interrupted; or

(ii) the mine being worked in such manner and under such restrictions as not to prejudice or injure the protected works.

(2) For the purpose of this section, the appropriate percentage means the percentage determined in accordance with the rules contained in the Third Schedule to this Act.

(3) If any question or dispute arises between the company and the mine owner concerning the amount of such losses or expenses, or as to the appropriate percentage, it shall be settled by arbitration.

(4) Where the minerals specified in a counter-notice lie in different seams, the amount payable by the company to the mine owner under this section shall be calculated separately as respects each seam:

Provided that, where the works on which any additional expenditure is incurred serve more than one seam, that expenditure shall, for the purposes of this section, be apportioned between the seams served in such manner as, in default of agreement, may be determined by arbitration.

Compensation to surface owners.

82. If any loss or damage is sustained by the owner, lessee, or occupier of the land over any specified minerals (not being the owner or lessee of the specified minerals) by reason of the making of such airway or other authorised work as aforesaid, where neither that work nor any like work, would have been necessary save on account of the prevention of the working of the minerals, the company shall make full compensation to such owner, lessee, or occupier of the surface for the loss or damage sustained by him, such compensation in default of agreement to be determined by arbitration.

Rights of inspection.

83.—(1) For ascertaining whether or not any minerals are being worked or are about to be or have been worked so as to damage the railway or works of a company, any person appointed by

the company may, after at least twenty-four hours notice has been given by the company, enter upon any land (through or near which the railway passes) which the company believe to contain or to have contained such minerals, and may enter into and return from any such minerals or the works connected therewith; and, for that purpose, the person so appointed may make use of any apparatus or machinery belonging to a mine owner, and use all necessary means for discovering the distance from such railway or works to the parts of the minerals which are being or have been worked or are about to be worked; and, after giving a like notice, may inspect and take copies of so much of the working plans and sections of the mine as relate to minerals the working whereof affects or has affected or may affect the railway or works.

(2) A mine owner who desires to work any minerals under or near to the railway or works of the company, and also the royalty owner (if any) or any person duly authorised by either of them, may, at any time, either before or during or after the working thereof, upon giving at least twenty-four hours notice to the company, and subject to such reasonable conditions as may be imposed by the company, enter upon the railway or works and inspect the same and take levels or particulars thereof.

Penalty for refusal to allow inspection.

84.—(1) If any mine owner refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works or to inspect and take copies of such plans and sections in manner aforesaid, every person so offending shall, for every such refusal, become liable to pay to the company a sum not exceeding twenty pounds.

(2) If the company refuse to allow a mine owner or royalty owner or such duly authorised person as aforesaid to enter upon or inspect any railway or works or to take levels and particulars thereof in manner aforesaid, the company so offending shall, for every such refusal, become liable to pay to the mine owner or royalty owner a sum not exceeding twenty pounds.

Protection against improper working.

85. If it appears that any minerals have been worked or are being worked contrary to the provisions of this Act or the special Act, the company may, if they think fit, give notice to the mine owner thereof, requiring him to construct such works and to adopt such means as may be necessary or proper for making safe such railway or works and for preventing injury thereto; and if, after such notice, the mine owner shall not forthwith proceed to construct the works necessary for making safe the railway, the company may construct such works and recover the expense thereof from the mine owner by action.

Power to vary rights by agreement.

85A. Notwithstanding anything contained in this Act, a mine owner, a royalty owner, and the company or any two of them may, by agreement, alter, extend, or otherwise vary their respective rights under the provisions of this Act with regard to any minerals to which this Act applies, but not so as to prejudice the rights of any mine owner, royalty owner, or company not a party to the agreement without his or their consent.

Savings.

85B.—(1) Nothing in this Act shall affect any agreement between the mine owner and the royalty owner for the payment of any rent or royalty:

Provided that—

(i) the payment of compensation by the company to the royalty owner in respect of any minerals shall extinguish any liability by the mine owner to pay any royalty in respect of the same minerals;

(ii) the mine owner shall be entitled to make such deductions as are authorised by subsection (3) of section 79A of this Act notwithstanding anything in any agreement between him and the royalty owner entered into before the first day of August, nineteen hundred and twenty-three, unless the agreement was made after the first day of November, nineteen hundred and twelve, and expressly or by necessary implication provided for the payment of royalties in respect of

the minerals supporting the railway or works in the event of the mine owner working them in virtue of a right acquired by agreement or statute or otherwise, or for the payment of royalties in respect of such minerals whether they are or are not worked;

(iii) if the exercise by the company of powers conferred upon them by the foregoing provisions of this Act as to minerals in the area of protection will prevent the mine owner from working such quantity of minerals as at the royalties reserved will produce the sum total of the fixed or minimum rent remaining payable under the lease, or otherwise occasions serious hardship having regard to the obligation of the mine owner to pay such rent, or owing to any provision in the lease restricting the time within which a deficiency due to previous short working may be made good, such adjustment shall be made between the royalty owner and the mine owner as, failing agreement, may be determined by arbitration, and any question whether the circumstances are such as to give rise to such a right of adjustment shall be similarly determined.

Where at the time of the exercise by the company of such power as aforesaid any deficiency due to previous short working which may be made good in a subsequent period exists, the amount of such deficiency shall be treated for the purposes of this proviso as if it formed part of the sum total of the fixed or minimum rent remaining payable under the lease.

(2) Nothing in this Act shall alter, diminish or affect any right to let down the surface, either unconditionally or subject to payment of compensation, or to any other condition, which a mine owner or royalty owner may possess, whether by statute grant lease agreement or otherwise, derived from a title antecedent to the acquisition by the company

of their interest in the surface, or conferred on him by a reservation contained in the grant to the company, and a mine owner having such a title and having served a notice in accordance with this Act with respect to the working of any minerals, shall be free to work any such minerals, as to which a counter-notice shall not have been received, discharged from all the restrictions and provisions of this Act, other than those contained in subsection (2) of section seventy-nine of the Act, but, if a counter-notice is served, the minerals to which such counter-notice relates, shall, for the purposes of the assessment of compensation payable to the mine owner or royalty owner under this Act for leaving the same unworked, be deemed to be minerals lying wholly under the inner area of protection, and the appropriate percentage for the purpose of section eighty-one of this Act shall be one hundred.

Serving of notices, counter-notices, &c. 44 & 45 Vict. c. 41.

85C. Section sixty-seven of the Conveyancing Act, 1881, shall apply to notices and counter-notices and copies thereof required or authorised to be served or given under the provisions of this Act with respect to mines lying under or near the railway, as if it were herein re-enacted and in terms made applicable to such notices, counter-notices and copies thereof, and to the persons by or on whom the same are so required or authorised to be served.

Interpretation.

85D.—(1) In the foregoing provisions of this Act with respect to mines lying under or near a railway, unless the context otherwise requires—

"Mine owner" includes the owner, lessee, or other person entitled to work and get minerals;

"Seam" in relation to minerals includes bed, lode and vein;

"Surface" in relation to land includes any buildings, works or things erected, constructed, or growing thereon;

"Royalty" includes rent and any other reservation in respect of minerals by the acre, ton or otherwise;

"Royalty owner" includes any person entitled to receive a royalty in respect of minerals;

"Deficiency due to short working" means the amount by which the royalties payable under a lease of the minerals worked fall short of the fixed or minimum rent;

"Lease" includes an under-lease or other tenancy and a licence;

"Lessee" includes an under-lessee and a licensee.

(2) For the purposes of the said provisions, the depth of a seam at any point of the railway shall be taken to be the distance between the rail level and the point where a line drawn vertically through the centre of the railway would first cut the seam of minerals, except that for the purpose of ascertaining the area of protection, but not for any other purpose, the said distance shall, where the railway is carried through a tunnel, be measured from the point where the said line would cut the natural surface of the land instead of from the rail level.

(3) Where in an arbitration under the said provisions there are more than two parties involved, then, unless all the parties otherwise agree, the arbitration shall be conducted by a single arbitrator appointed by the Board of Trade, and the provisions of this Act with respect to the settlement of disputes by arbitration shall apply as if all the parties had concurred in his appointment as a single arbitrator.

Exemption from liability to leave support otherwise than under Act or agreement.

85E. Save as in this Act, or the special Act, or under any agreement between the company and the mine owner expressly provided, the mine owner as between himself and the company—

(*a*) shall not be under any liability to leave support either inside or outside the area of protection; and

(*b*) shall be entitled to remove such support without being liable for any damage thereby caused to the railway or works or any part thereof; but so that the removal shall be done in a manner proper and necessary for the beneficial working of the minerals and according to the usual manner of working minerals in the district in which the same is situate.

Application to existing railways, &c.

16.—(1) Where—

(*a*) a special Act, order, scheme, or certificate confirmed by or having the force of an Act of Parliament relating to a railway company, passed or confirmed before the commencement of this Act, incorporates sections seventy-eight to eighty-five, inclusive, of the Railways Clauses Consolidation Act, 1845, and does not prescribe any distance in lieu of the distance of forty yards mentioned in section seventy-eight of that Act; or

(*b*) a special Act relating to a railway company, passed before the commencement of this Act, does not incorporate the said sections, but contains provisions similar thereto, and by the provision similar to the said section seventy-eight prescribes a distance of forty yards;

the Act, order, scheme, or certificate shall, as from the commencement of this Act, take effect as if the provisions which by this Part of this Act are to be substituted for the said sections seventy-eight to eighty-five were substituted for those sections as incorporated in the Act, order, scheme, or certificate or for the similar provisions contained in the special Act as the case may be, and as if the Act, order, scheme, or certificate incorporated or included the First, Second, and Third Schedules to this Act, subject, however, to the provisions hereinafter contained in this section.

(2) If at the commencement of this Act minerals lying under the outer area of protection are being worked by a mine owner, he shall, within one month after the commencement of this Act, give such notice as would after the commencement of this Act have been required to be given before such minerals were commenced to be worked, and, if such notice is so given, it shall be deemed for the purposes of the provisions of section seventy-eight of the Railways Clauses Consolidation Act, 1845, as amended by this Act, to have been given more than thirty days before the date on which it is in fact given, and the minerals worked before the notice is given shall, for the purposes of the same provisions, be deemed to have been worked since the expiration of those thirty days.

(3) Any mine owner shall be liable to contribute towards the expenses properly incurred by the railway

company subsequent to the commencement of this Act in making good damage caused to any railway or works of the company by any working of minerals within the six years immediately preceding the commencement of this Act in like manner as if this Act had been in force at the date of such working; but, save as aforesaid, the mine owner shall be relieved of all liability to the company with respect to the working of any minerals prior to the passing of this Act, except a liability arising under an arrangement with the company.

The provisions of subsections (2), (3), (4), (5) and (6) of section 79A of the Railways Clauses Consolidation Act, 1845, as amended by this Act, shall apply in respect of the liability of a mine owner under this subsection in like manner as they apply in respect of his liability under that section.

(4) Nothing in this section shall—

(*a*) take away, diminish or prejudicially alter or affect any estate right or interest in minerals which may have been acquired by a railway company before the commencement of this Act under or by virtue of any express provision in any deed or contract, or under or by virtue of the exercise of their powers under sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, or any right of support from minerals which any such company may have so acquired, or any compensation paid or payable by any such company in consequence of the exercise before the commencement of this Act of any such powers as aforesaid; or

(*b*) affect any agreement subsisting between a railway company and a mine owner or a royalty owner at the commencement of this Act with regard to the working of, or the leaving unworked, minerals lying under or near to any railway or works of the company, so long as the agreement continues in force, and any such agreement shall, notwithstanding anything in this section, continue in force until determined by effluxion of time, or by the exercise of any power to determine it

conferred by the agreement, nor shall anything in this section prevent the entering into a new agreement.

Application of Part II. to Scotland.

17. This Part of this Act shall apply to Scotland, subject to the following modifications:—

(*a*) For references to the Railways Clauses Consolidation Act, 1845, and to sections seventy-eight to eighty-five thereof, there shall be substituted references to the Railways Clauses Consolidation (Scotland) Act, 1845, and to sections seventy-one to seventy-eight thereof:

(*b*) of the substituted provisions, that numbered 85C shall not apply, and of the remaining provisions, those numbered 78, 78A, 79, 79A, 79B, 80, 81, 82, 83, 84, 85, 85A, 85B, 85D and 85E, shall respectively be numbered 71, 71A, 72, 72A, 72B, 73, 74, 75, 76, 77, 78, 78A, 78B, 78C and 78D, and the reference to section 78 in section sixteen of this Act and references to section 79A both in that section and in the said substituted provisions shall be construed as references to section 71 and to section 72A, respectively:

(*c*) for the reference to an arbitrator, there shall be substituted a reference to an arbiter.

PART III.

GENERAL.

Short title, commencement, and extent.

18.—(1) This Act may be cited as the Mines (Working Facilities and Support) Act, 1923.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four.

(3) This Act shall extend to Great Britain.

SCHEDULES.

FIRST SCHEDULE.

Section 15.

Percentage of Contribution.

Depth in Yards.	Percentage.	Depth in Yards.	Percentage.
160 - - -	Nil.	270 - - -	21
170 - - -	3	280 - - -	23
180 - - -	5	290 - - -	24
190 - - -	8	300 - - -	25
200 - - -	10	350 - - -	30
210 - - -	12	400 - - -	35
220 - - -	14	450 - - -	40
230 - - -	15	500 - - -	45
240 - - -	16	550 - - -	50
250 - - -	17	600 - - -	55
260 - - -	19	650 and over -	60

The percentage at intermediate depths to be in proportion.

SECOND SCHEDULE.

Section 15.

Rules for ascertaining Area for the purpose of computing Maximum Liability of Mine Owner in respect of Authorised Workings.

1. The area shall extend laterally on each side of (but not including) the inner area of protection to the following distance therefrom:—

If the depth of the seam is 160 yards or under - - -	Nil.
If the depth of the seam exceeds 160 yards, but does not exceed 170 yards - - - - -	1½ yards.
If the depth of the seam exceeds 170 yards, but does not exceed 180 yards - - - - -	2½ yards.
If the depth of the seam exceeds 180 yards, but does not exceed 190 yards - - - - -	4½ yards.
If the depth of the seam exceeds 190 yards, but does not exceed 200 yards - - - - -	5½ yards.

If the depth of the seam exceeds 200 yards, but does not exceed 210 yards - - - - -	7 yards.
If the depth of the seam exceeds 210 yards, but does not exceed 220 yards - - - - -	8 yards.
If the depth of the seam exceeds 220 yards, but does not exceed 230 yards - - - - -	9 yards.
If the depth of the seam exceeds 230 yards, but does not exceed 240 yards - - - - -	9½ yards.
If the depth of the seam exceeds 240 yards, but does not exceed 250 yards - - - - -	10 yards.
If the depth of the seam exceeds 250 yards - - - - -	To a line descending outwards from the railway or works at an angle of one horizontal to five vertical from a point on the boundary of the railway or works at rail level until the depth of 650 yards is reached and thence descending vertically.

2. The area shall extend longitudinally for a distance co-extensive with the part of the railway or works upon which expenditure has been incurred in making good the damage, together with a length beyond that distance at either end thereof equal to one-half of the mean depth of the seam or seams in question.

Section 15.

THIRD SCHEDULE.

RULES FOR DETERMINING PERCENTAGE OF CONTRIBUTIONS TO ADDITIONAL EXPENSES FOR DAMAGES PAYABLE BY A COMPANY.

1. The percentage shall be one hundred if the specified minerals do not extend beyond the boundary of the protected works, and shall diminish by one for every one-and-a-half yards by which the specified minerals extend beyond that boundary on each side thereof.

2. If the specified minerals extend to one hundred and fifty yards or more beyond such boundary, no payment shall be due by the company.

3. If the specified minerals extend further from such boundary on one side of the railway than on the other, they shall, for the purposes of this schedule, be deemed to extend beyond such boundary for the mean of such distances on both sides of the railway.

CHAPTER 21.

An Act to provide for the transfer of certain properties to the Forestry Commissioners and to amend the Forestry Act, 1919, and for purposes in connection therewith.

[18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of property to Forestry Commissioners.

1.—(1) Subject to the provisions of this Act, His Majesty on the joint representation of the Forestry Commissioners and of the Commissioners of Woods or other Government department concerned may by Order in Council make provision—

(*a*) for the transfer to and vesting in the Forestry Commissioners of any estate, interest, rights, powers and liabilities of the Crown and of the Commissioners of Woods in or in connection with any woods and forests under the management or control of the Commissioners of Woods, or in or in connection with any other property under the management and control of the Commissioners of Woods which at the time of transfer is subject to the same local management as such woods and forests; and

(*b*) for the transfer to and vesting in the Forestry Commissioners of the estate, interest, rights, powers, and liabilities of any Government department in or in connection with any woods and forests vested in or held on lease by that department; and

(*c*) for the exception or reservation of any mineral or other rights in connection with any property transferred; and

(*d*) for any property transferred under this Act being held and dealt with by the Forestry Commissioners in like manner in all respects as property acquired by them under the Forestry Act, 1919; and

9 & 10 Geo. 5. c. 58.

(*e*) for the retransfer of any property transferred by any previous order under this section; and

(*f*) for such consequential and supplemental matters as appear necessary for giving full effect to the order;

and any such order shall, subject to revocation or alteration by a subsequent order, have effect as if enacted in this Act.

(2) In connection with any transfer effected under this Act, the provisions set out in the Schedule to this Act shall have effect.

(3) Any Order in Council made under this section shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such order is laid before it praying that the order or any provisions thereof may be annulled, His Majesty in Council may annul the order or provision, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

56 & 57 Vict. c. 66.

(4) Section one of the Rules Publication Act, 1893, shall not apply to any order made under this Act.

Transfer of forestry schemes.

2.—(1) All rights and liabilities of the Treasury—

(*a*) in respect of any advance made or agreed to before the passing of this Act by the Treasury on the recommendation of the Development Commissioners for the purposes of forestry; or

(*b*) in respect of any property transferred by or under this Act to the Forestry Commissioners which has been acquired wholly or partly by means of any such advance;

shall be transferred to the Forestry Commissioners and any sums payable to those Commissioners under or in respect of any such advance shall be paid into the forestry fund.

(2) No further advance shall be made under Part I. of the Development and Road Improvement Funds Act, 1909, for the purposes of forestry whether or not a recommendation for such advance has been approved before the passing of this Act. 9 Edw. 7. c. 47.

(3) The transfer effected by this section shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-two, and any payment made to or by the Treasury during the period between the said first day of April and the date of the passing of this Act in connection with or in relation to any such advance on property shall be deemed to have been made to or by the Treasury on behalf of the Forestry Commission, and accounts as between the Treasury and the Forestry Commissioners shall be adjusted accordingly.

Compensation to hereditary revenues. 10 Edw. 7. & 1 Geo. 5. c. 28.

3. In the event of the hereditary revenues which are by section one of the Civil List Act, 1910, directed to be carried to and made part of the Consolidated Fund, ceasing at any time, whether during the present or any subsequent reign, to be carried to and made part of that fund, there shall be paid out of the Consolidated Fund or the growing produce thereof to the Land Revenue of the Crown an amount by way of compensation for any transfer effected under this Act of the rights and interests of the Crown, which shall be determined as soon as may be after the transfer by the Commissioners of Woods on the basis of the value of such rights or interests at the time of the transfer.

Provision as to title of Commissioners of Woods.

4. His Majesty may by Order in Council provide for altering the title of the Commissioners of Woods in such manner as may seem appropriate, and, if such provision is made, the Crown Lands Acts, 1829 to 1913, and any other Act or instrument relating to the Commissioners shall have effect accordingly with the necessary modifications.

Provisions as to advances.

5.—(1) The condition which under subsection (3) of section three of the Forestry Act, 1919, is required to be attached to any grant made under that section shall not apply to any grant so made or agreed to be so made whether before or after the commencement of this Act, and accordingly in that subsection the words from "any "advance by way of a grant" to "Provided also that" are hereby repealed.

22 Geo. 3. c. 45. 41 Geo. 3. c. 52.

(2) None of the provisions of the House of Commons Disqualification Act, 1782, or of the House of Commons Disqualifications Act, 1801, shall be construed so as to extend to the acceptance of an advance under the said subsection (3) by a Member of the Commons House of Parliament not being a Forestry Commissioner.

Pension of salaried Forestry Commissioner.

6.—(1) Subsection (2) of section ten of the Forestry Act, 1919, which authorises the making of schemes providing for the grant and the payment of superannuation and other allowances and gratuities to or for the benefit of officers employed by the Forestry Commissioners, shall apply to persons holding the office of Forestry Commissioner with a salary in like manner as it applies to officers employed by the Forestry Commissioners.

(2) Where a person appointed to the office of Forestry Commissioner with a salary retires from that office on the expiration of his term of office while under the age of sixty years, without renewal of public employment, and is consequently not entitled to any pension under such scheme as aforesaid, he shall, if at the time of his appointment to such office he held an office in the Civil Service which entitled him to superannuation under the Superannuation Acts, 1834 to 1919, or was an officer employed by the Forestry Commissioners, to whom a scheme made under subsection (2) of section ten of the Forestry Act, 1919, applied, be entitled to receive the same superannuation or other allowance or gratuity as he would have been entitled to receive if he had continued to hold the office in the Civil Service or in the employment of the Forestry Commissioners at the same rate of salary and emoluments as when the same was vacated and had retired therefrom on the ground of ill-health at the time when he retired from the office of Forestry Commissioner, subject nevertheless to the conditions which would in that case have been applicable with respect to the grant of such allowance or gratuity :

Provided that—

22 Vict. c. 26.

(*a*) he shall be liable to be called upon to fill office under the Crown in the manner prescribed in section eleven of the Superannuation Act, 1859; and

(*b*) such part, if any, of the allowance or gratuity awarded to him, or the whole thereof, as the Treasury may determine shall be paid out of the Forestry Fund.

(3) This section shall apply to a person appointed to the office of Forestry Commissioner with a salary before as well as after the passing of this Act.

(4) Subsection (1) of section ten of the Forestry Act, 1919, is hereby repealed.

Definition.

7. In this Act the expression "woods and forests" includes any land used or capable of being used for afforestation or for purposes in connection therewith.

Short title and extent.

8.—(1) This Act may be cited as the Forestry (Transfer of Woods) Act, 1923, and shall be construed as one with the Forestry Act, 1919, and that Act and this Act may be cited together as the Forestry Acts, 1919 and 1923.

(2) This Act shall not apply to Northern Ireland.

SCHEDULE.

Section 1.

PROVISIONS RELATING TO THE TRANSFER OF PROPERTY, &c.

1. All Acts, including local Acts, relating to any property transferred under this Act or to any estate, interest, rights, powers, or liabilities affected by the transfer shall continue of full force and effect, subject only to such adaptations as may be necessary in order to give effect to the transfer.

2. In the construction and for the purpose of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw or other document, passed, delivered, executed or made before the transfer to or from the Forestry Commissioners of any property under this Act, from or to any other Government department, but so far only as may be necessary for the purposes of such transfer, the Forestry Commissioners or other Government department shall be substituted for the other Government department or the Forestry Commissioners as the case may require.

3. Where anything has been commenced by or under the direction of any other Government department or the Forestry Commissioners before the transfer to the Forestry Commissioners or another Government department of any property under this

Act, and such thing is in relation to any property so transferred, such thing may be carried on and completed by or under the direction of the Forestry Commissioners or the other Government department, as the case may be.

4. Where at the time of the transfer of any property under this Act any proceedings are pending to which any other Government department or the Forestry Commissioners are a party, and such proceedings have reference to property transferred under this Act, the Forestry Commissioners or the other Government department shall be substituted in any such proceeding for the other Government department or the Forestry Commissioners, and such proceedings shall not abate by reason of the substitution.

5. Where any property is transferred under this Act, or where any transfer under this Act is made subject to any exception or reservation, such provision may be made by Order in Council as to the rights, powers and liabilities of the Forestry Commissioners and the other Government department respectively in relation to the property in question or in relation to such exception or reservation as may appear necessary or expedient.

CHAPTER 22.

An Act to provide for the collection of a contribution by cotton spinners in Great Britain to the funds of the Empire Cotton Growing Corporation; and for other matters relating to the Cotton Industry. [18th July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Definitions.

1. In this Act the words following shall have the following meanings:—

"The Corporation" shall mean the Empire Cotton Growing Corporation;

"Cotton" shall mean raw cotton which has not passed through any process of manufacture and which is in a state suitable for spinning by a cotton spinner;

"Cotton spinner" shall mean any corporation, firm, or person carrying on in Great Britain the business of spinning cotton into yarn;

"Gross weight" shall mean the weight of any bale or parcel of cotton before deducting the weight of draft bands and tares;

"Invoice" shall include any account note or memorandum showing the sum payable in respect of the purchase of cotton or for the sale of cotton to a cotton spinner.

Contributions by cotton spinners.

2.—(1) Subject to the provisions of this Act, there shall be paid to the Corporation by every cotton spinner in respect of every purchase of cotton made by him a contribution at the rate of sixpence for every five hundred pounds gross weight or portion thereof of the cotton so purchased. The amount of the said contribution may be treated by the cotton spinner as an addition to the cost of the cotton and shall be recoverable by the Corporation from the cotton spinner as if the same were a contract debt due by the cotton spinner to the Corporation and payable on the date on which payment becomes due for the cotton in respect of which the contribution is payable.

(2) If any cotton spinner proves to the satisfaction of the Corporation that any cotton in respect of which a contribution has been paid by him under this Act has been used in Great Britain for some purpose other than spinning into yarn, or has been finally removed from Great Britain without having been spun into yarn, the Corporation shall on demand refund to him the amount of the contribution so paid.

(3) Every cotton spinner shall from time to time, on being so required by notice in writing given by the Corporation, render to the Corporation within the time specified in the notice, not being less than thirty days from the date on which the notice is given, such full and accurate accounts as are necessary to show the amounts

from time to time payable by him by way of contributions under this Act, and if any cotton spinner fails to comply with the requirements of any such notice within the time therein specified, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day during which the default continues, and any fine imposed under this section shall be payable to the Corporation:

Provided that proceedings for the recovery of any such fine shall not be brought except by the Corporation.

Provisions as to collection of contributions.

3. The Corporation may make arrangements with the Liverpool Cotton Association, Limited, and the Manchester Cotton Association, Limited, and with any other body or any of them, for the collection of the said contribution by the members of such association or body by adding the amount of the contribution to invoices rendered by the members of any such association to any cotton spinner in respect of any cotton sold to or bought for account of a cotton spinner, and the payment by any cotton spinner to any member of such an association with whom such an arrangement has been made shall be a good discharge to the cotton spinner, and thereafter the remedy of the Corporation shall be against the person to whom such payment has been made by the cotton spinner.

Repeal of 31 & 32 Vict. c. 33.

4. The Cotton Statistics Act, 1868 (which relates to the collection and publication of statistical information respecting stocks and the importation and exportation of cotton), shall cease to have effect.

Short title and duration

5. This Act may be cited as the Cotton Industry Act, 1923, and sections one to three of this Act both inclusive shall remain in force for a period of five years from the commencement of this Act and no longer.

CHAPTER 23.

An Act to amend the Bastardy Laws, and to make further and better provision with regard to children of unmarried parents; and for other purposes connected therewith. [31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

As to issue of summons by justices. 35 & 36 Vict. c. 65.

1. Where a justice of the peace to whom an application has been duly made under section three of the Bastardy Laws Amendment Act, 1872, dies or is removed or otherwise ceases to hold office as such justice, or is unable to act, any powers and jurisdiction which might have been exercised by him under the said section on or in relation to the application, shall be exercisable by any other justice of the peace acting for the same petty sessional division or place.

Increase of maximum payments under orders. 8 & 9 Geo. 5. c. 49.

2. Section four of the Bastardy Laws Amendment Act, 1872 (which provides for the making of an order on the putative father for the maintenance, &c., of a bastard child), shall, as amended by the Affiliation Orders (Increase of Maximum Payment) Act, 1918, have effect as well for the purpose of pending applications as for the purpose of future applications as though twenty shillings a week were therein substituted for ten shillings a week, and subsections (2) and (3) of section one of the last-mentioned Act, which relate to the variation of orders under the said section four in force at the date of the commencement of that Act shall extend to the variation of orders under the said section four which are in force at the date of the commencement of this Act, with the substitution of references to this Act for references to that Act.

Continuation and variation of orders made at the instance of guardians.

3.—(1) Where an affiliation order has been made at the instance of a board of guardians, whether before or after the commencement of this Act, under section five of the Bastardy Laws Amendment Act, 1873, the

justices who made the order or any court of summary jurisdiction may, on the application of the guardians or the mother, or any person for the time being having the custody of the child, make an order varying the former order by providing for the continuance thereof after the child has ceased to be chargeable to the union or parish and, for the purposes of the order so continued, altering the amount of the sums payable thereunder and directing that payments becoming due thereunder, shall be paid to the mother or person having the custody of the child. Provided that no order so made shall continue in force after the child has attained the age of sixteen years, or died, except for the recovery of arrears, and that the sums payable thereunder shall be weekly sums not exceeding twenty shillings a week.

(2) An application under this section may be made whilst the child is chargeable to the union or parish, or at any time within six months after the child ceases to be so chargeable.

Notice of change of address. 4 & 5 Geo. 5. c. 6.

4. Any person for the time being under an obligation to make payments, including payments of costs, to any person, under an order made under the Bastardy Laws Amendment Act, 1872, or any Act amending that Act, including this Act, shall, in any case in which section four of the Affiliation Orders Act, 1914, does not apply, give notice to such persons, if any, as may be specified in the order of any change of address, and any person failing to give such notice without reasonable excuse shall be liable on summary conviction to a fine not exceeding two pounds.

Extent of Act.

5. This Act shall not apply to Scotland or Northern Ireland.

Short title and commencement.

6. This Act may be cited as the Bastardy Act, 1923, and shall come into operation on the expiration of two months after the passing of the Act.

CHAPTER 24.

amended by the Housing Act 1925 (c. 14) and by the Housing Act 1930 (c. 39) and by the Housing Act 1935 (c. 40)

An Act to amend the enactments relating to the Housing of the Working Classes (including the amendment and revocation of building byelaws), Town Planning and the Acquisition of Small Dwellings. [31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Amendments of Housing Acts.

Temporary Provisions for encouraging the Provision of Housing Accommodation.

Government contributions to expenses of local authorities in assisting construction of houses. 53 & 54 Vict. c. 70.

1.—(1) The Minister of Health (hereinafter referred to as the Minister) shall, subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine, make or undertake to make contributions out of moneys provided by Parliament:—

(*a*) towards any expenses incurred by a local authority for the purposes of Part III. of the Housing of the Working Classes Act, 1890 (hereinafter referred to as the principal Act), in promoting in accordance with section two of this Act the construction of houses of such type and size as is specified in this section and completed before the first day of October, nineteen hundred and twenty-five;

(*b*) where the local authority satisfy the Minister that the needs of their area can more appropriately be met by the provision of such houses wholly or partly by the authority themselves, towards any expenses incurred by the authority in making such provision.

A contribution under this section shall be the sum of six pounds for each house in respect of which the contribution is made, payable annually for a period of twenty years, except that, where the amount of the expenses incurred by a local authority under paragraph (*a*) in respect of any house is less than the value of six pounds per annum for twenty years, such reduction shall be made in the amount of the annual sum payable, or in the number of years for which it is to be payable, or in both, as may be necessary in order to reduce the value of the contribution in respect of that house to the amount of the expenses so incurred.

(2) The houses in respect of which contributions may be given under this section shall be either—

(*a*) a two-storied house with a minimum of six hundred and twenty and a maximum of nine hundred and fifty superficial feet; or

(*b*) a structurally separate and self-contained flat or a one-storied house with a minimum of five hundred and fifty and a maximum of eight hundred and eighty superficial feet;

such measurements being calculated in accordance with rules made by the Minister:

Provided that, if the local authority in any particular case satisfy the Minister that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced, as respects such limited number of houses for that area and subject to such conditions as the Minister may determine, in the case of a two-storied house to five hundred and seventy, and in the case of a flat or a one-storied house to five hundred, superficial feet.

Except where otherwise approved by the Minister on the recommendation of the local authority, every house or flat to which this section applies shall be provided with a fixed bath.

(3) The Minister may, with the approval of the Treasury, make or undertake to make contributions out of moneys provided by Parliament towards the expenses incurred by a local authority in carrying out a re-housing scheme in connection with a scheme made under Part I.

or Part II. of the principal Act (including the acquisition, clearance, and development of land included in the last-mentioned scheme, and whether the re-housing will be effected on the area included in that scheme or elsewhere), of such amounts, for such periods, and subject to such conditions as, with the approval of the Treasury and after consultation with the local authority, the Minister may determine, so, however, that the annual contributions in respect of any such re-housing scheme shall not exceed one-half of the estimated average annual loss likely to be incurred by the local authority in carrying out the scheme.

(4) Where within fifteen months before the passing of this Act a local authority have submitted to the Minister proposals for assisting persons or bodies of persons undertaking to construct houses, or for the provision of houses by the local authority themselves, or where after the twenty-fifth day of April, nineteen hundred and twenty-three, and before the passing of this Act, a society, body of trustees or company to which section three of this Act applies have submitted proposals for the provision of houses, and such proposals have been approved by the Minister otherwise than for the purposes of section seven or section nineteen of the Housing, Town Planning, &c. Act, 1919, contributions may be made of the like amount as if the assistance had been given or the houses provided after the passing of this Act, and notwithstanding that the houses do not comply in every respect with the conditions imposed by or under this section. 9 & 10 Geo. 5. c. 35.

(5) References in this section to local authorities shall in any case—

(*a*) where the powers of a local authority have been transferred to a county council; or

(*b*) where a county council, or any such board or body as is mentioned in subsection (3) of section eight of the Housing, Town Planning, &c. Act, 1919, exercise the powers conferred by that section of providing houses for persons in their employment or paid by them or by a statutory committee,

include such county council, board, or body.

(6) The expression "local authority" shall, for the purposes of paragraph (*b*) of subsection (1) of this section, include a metropolitan borough council, and the London County Council may, in the case of any house provided by a metropolitan borough council, supplement the contribution made by the Minister in respect of such house under this section to an extent not exceeding the sum of three pounds payable annually for a period not exceeding twenty years.

Power of local authorities to promote the building of houses by means of grants, &c.

2.—(1) Local authorities for the purposes of Part III. of the principal Act, may, in accordance with proposals submitted by them to the Minister and approved by him, promote the building of houses, whether within or without their areas, by giving or undertaking to give assistance in respect thereof in manner hereinafter provided.

(2) Before approving proposals under this section the Minister shall be satisfied—

(*a*) that the houses in respect of which assistance is proposed to be given are of the type and size specified in section one of this Act;

(*b*) that the need for such houses cannot be met without assistance under this Act.

(3) Assistance under this section may be given in any of the following ways; that is to say, the local authority may—

(*a*) make or undertake to make grants by way of lump sum payments after the completion of the houses;

(*b*) undertake to pay to the person by whom the rates on any house are payable such annual sum as may be specified in the proposals for a period not exceeding twenty years;

(*c*) undertake to provide, during such period as may be specified in the proposals, any part of the periodical sums payable to a building society incorporated under the Building Societies Acts, 1874 to 1894, or other body or person, by way of interest on or repayment of advances

made for the purpose of building a house or purchasing a house the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three.

(4) Assistance given by a local authority under this section in respect of a house may be made subject to such conditions as the local authority may with the approval of the Minister impose, including a condition that during such period as may be specified by the local authority the house shall not be used otherwise than as a separate dwelling-house and no addition thereto or enlargement thereof shall be made without the consent of the local authority.

(5) A local authority may, before undertaking to give assistance under this section in respect of any house, require security to be given that the house will be completed before the said first day of October, and that the other conditions subject to which the assistance is given will be observed.

(6) The raising of money for making grants under this section shall be a purpose for which a local authority may borrow under Part III. of the principal Act, and shall be a purpose for which the Public Works Loan Commissioners may lend money to a local authority.

(7) In the application of this section to the county of London the London County Council shall, to the exclusion of any other local authority, be the local authority for the purposes of Part III. of the principal Act, and for the purpose of securing the proper exercise of their powers under this section they shall have the power to require a district surveyor under the London Building Act, 1894, to perform within his district such duties as they think necessary for that purpose, and they may pay to him such remuneration as they may determine in respect of any duties performed by him in pursuance of this section. 57&58 Vict. c. ccxiii.

(8) This section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and twenty-three.

Government contribu-

3.—(1) Where a society, body of trustees or company to which this section applies prove to the Minister

tions to expenses of public utility societies, &c., in building houses.

that they are willing to undertake the construction of houses of such type and size and within such period as aforesaid without assistance from a local authority, if they receive from the Minister towards any expenses incurred by them in the construction of such houses the like contributions as the Minister is authorised by this Act to make towards expenses incurred by a local authority in providing such houses, the Minister may, subject to such conditions as aforesaid, make or undertake to make contributions out of moneys provided by Parliament towards such expenses of the like amount as he is authorised to make towards expenses incurred by a local authority in providing such houses.

(2) This section applies to any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, or facilitating or encouraging the construction of, dwelling-houses for the working classes, being a society, body of trustees, or company which does not trade for profit or whose constitution prohibits the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

Saving as respects houses not completed within the specified period.

4. The failure to complete a house before the said first day of October shall not render invalid any undertaking to make a contribution or give assistance in respect of the house, if the house is completed before the first day of June, nineteen hundred and twenty-six, and if the Minister is satisfied that the construction of the house or necessary work of development on or about the site preliminary thereto was begun within a reasonable time and that the failure to complete the house before the said date was due to circumstances over which the local authority, person, or body constructing the house had no control.

Power of local authorities to make advances, &c., for the purpose of increasing housing accommodation.

5.—(1) A local authority for the purposes of Part III. of the principal Act may, subject to such conditions as may be approved by the Minister, at any time before the first day of October, nineteen hundred and twenty-six :—

(*a*) advance money, subject to the provisions hereinafter contained, to persons or bodies of persons—

(i) constructing or altering or undertaking to construct or alter houses, or

(ii) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three,

whether such houses are within or without the area of the local authority;

(*b*) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1913, of any advances made by the society to any of its members for the purpose of enabling them to build houses or acquire houses the construction of which was commenced after the twenty-fifth day of April, nineteen hundred and twenty-three;

(*c*) in the case of the conversion of a house into two or more separate and self-contained flats, undertake that, if the aggregate rateable value of the flats exceeds the rateable value of the house before conversion, they will, during such period not exceeding twenty years as is specified in the undertaking, refund to the person by whom the rates on any such flat are payable the whole or any part of the difference between the rates paid by him and the rates which would be payable were the rateable value of the flat reduced by such an amount that the reduced value would bear to the rateable value the same proportion as the rateable value of the house before conversion bears to the aggregate rateable value of the flats:

Provided that the local authority before granting any such assistance shall satisfy themselves that the houses or flats, in respect of which assistance is to be given will, when the building, alteration, or conversion has been completed, be in all respects fit for human habitation, and in particular that the superficial area of any such house or flat will not be less than the minimum permissible under section one of this Act.

(2) Any such advance as aforesaid shall be subject to the following conditions:—

(*a*) The advance with interest thereon shall be secured by mortgage, and the advance shall not exceed ninety per cent. of the value of the interest of

the mortgagor in the property; and the mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand from the local authority; and

(*b*) the advance may be made by instalments from time to time as the building or alteration of the house progresses, so that the total of the advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction, or on works incidental to the construction, of the house, including the value of the interest of the mortgagor in the site thereof; and

(*c*) the advance shall not be made except after a valuation duly made on behalf of the authority; and

(*d*) where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless such interest is a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired at the date of the advance.

(3) An advance or guarantee under this section shall not be made or given if the estimated value of the fee simple in possession free from incumbrances of the house in respect of which the advance or guarantee is to be made or given exceeds fifteen hundred pounds, but such an advance or guarantee may be made or given in addition to assistance given by the local authority under section two of this Act in respect of the same house.

(4) The raising of money for making any such advance or for fulfilling any such guarantee shall be a purpose for which a local authority may borrow under Part III. of the principal Act, and a purpose for which the Public Works Loan Commissioners may lend to a local authority.

(5) In the application of this section to the county of London, the London County Council shall, to the exclusion of any other local authority, be the local authority for the purposes of Part III. of the principal Act.

Repeal of superseded enactments subject to saving for existing liabilities. 11 & 12 Geo. 5. c. 19.

6.—(1) Sections seven and nineteen of the Housing, Town Planning, &c. Act, 1919, and any enactments amending those sections, and section eight of the Housing Act, 1921, are hereby repealed; but, save as hereinafter in this section provided, this repeal shall not affect the validity of any regulations made under the said section or the power to amend such regulations, or any liability of the Minister to pay any sum which under the said sections and regulations he has undertaken to pay, or the terms and conditions on which the Public Works Loan Commissioners may lend for the purposes of a scheme towards the losses of which the Minister is liable to contribute under the said section seven.

(2) Notwithstanding anything in the enactments so repealed, the regulations made thereunder shall be amended so as to provide that the percentage of the annual loan charges referred to in paragraph (*b*) of subsection (2) of the said section seven and in subsection (2) of the said section nineteen, payable by the Minister under those sections shall, after the thirty-first day of March, nineteen hundred and twenty-seven, be increased, subject to such conditions as the Treasury may approve, from thirty to forty per cent.

(3) The repeal of section eight of the Housing Act, 1921, shall not affect the liability of the London County Council to make repayments to councils of metropolitan boroughs thereunder, but the loss to be repaid to the council of any metropolitan borough under that section shall be the estimated annual loss calculated in like manner as in the case of a borough outside London.

Miscellaneous Amendments of the Housing Acts.

Partial repeal of 9 & 10 Geo. 5. c. 35, s. 15.

7. In section fifteen of the Housing, Town Planning, &c. Act, 1919 (which relates to the powers of local authorities for dealing with land acquired or appropriated for the purposes of Part III. of the Housing of the Working Classes Act, 1890), the proviso to paragraph (*d*) of subsection (1) and in subsection (2) the words from

ss. 7 to 15 are repealed by the Housing Act 1925

"subject to any condition," to "houses erected thereon and" shall be repealed:

Provided that, where a local authority have sold land acquired by them under the Housing Acts, and the purchaser of the land has entered into any covenant with the local authority concerning the land, the authority shall have power to enforce the covenant against the persons deriving title under that purchaser, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

Provisions as to housing schemes outside area of local authority.

8.—(1) Where a housing scheme to which this section applies has been carried into effect by a local authority outside their own area, and for the purposes of the scheme roads have been constructed and completed by that local authority, the liability to maintain the roads shall vest in the council of the borough or district in which the scheme was carried out, unless that council, or on appeal the Minister, is satisfied that the roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.

(2) Where such a scheme has been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any houses provided under the scheme which were constructed in accordance with plans and specifications approved by the Minister.

(3) The schemes to which this section applies are housing schemes made and approved under section one of the Housing, Town Planning, &c. Act, 1919, and re-housing schemes in connection with a scheme made under Part I. or Part II. of the principal Act, whether such housing or re-housing schemes have been carried out before the passing of this Act or are carried out thereafter.

(4) Where a scheme to which this section applies has been carried out, whether before or after the passing of this Act, by the London County Council within the area of a metropolitan borough, the liability to maintain the roads shall vest in the council of that metropolitan

borough unless that council are, or on appeal the Minister is, satisfied that the roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.

Provisions as to licensed premises included in Part I. and Part II. schemes.

9. Where the land included in a scheme made, whether before or after the passing of this Act, under Part I. or Part II. of the principal Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect:—

(1) The local authority by whom the scheme is made may undertake that in the event of the renewal of the licence being refused they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the local authority in pursuance of such undertaking shall be treated as part of their expenses in carrying out the scheme:

10 Edw. 7. and 1 Geo. 5 c. 24.

(2) Where the local authority acquire the premises in pursuance of the scheme and the local authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that if the licence had not been surrendered it might properly have been dealt with as a redundant licence or that when the proposed scheme had been carried out it would have become a licence which might have been so dealt with, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the acquisition of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Repairs of houses. 9 Edw. 7. c. 44.

10.—(1) Sections fourteen and fifteen of the Housing, Town Planning, &c. Act, 1909, shall have effect as respects letting for habitation after the passing of this Act as though—

(*a*) paragraph (*b*) of the said section fourteen had been omitted; and

(*b*) in paragraph (*c*) of the said section fourteen for the word "sixteen" there had been substituted the word "twenty-six."

(2) Subsections (3) to (6) of section fifteen of the Housing, Town Planning, &c. Act, 1909 (being provisions which are virtually superseded by section twenty-eight of the Housing, Town Planning, &c. Act, 1919), are hereby repealed, and the said section twenty-eight shall have effect subject to the following modifications—

(*a*) A notice given by a local authority under that section shall specify what works are to be executed as being necessary to make the house in all respects reasonably fit for human habitation; and in addition to serving the notice on the owner the local authority may serve copies of the notice on any persons having an estate or interest in the premises superior to that of the owner, and it shall be the duty of the owner or any other person having such an estate or interest, on being so required by the local authority, to state the name and address of the person from whom he holds, and if he fails to do so, or knowingly makes a mis-statement, he shall be liable on summary conviction to a fine not exceeding five pounds:

(*b*) The owner may appeal to the Minister against any notice requiring him to execute works under that section, and against any demand for the recovery of expenses from him under that section or an order made by the local authority under that section with respect to those expenses, by giving notice of appeal to the Minister within twenty-one days after the notice is received or the demand or order is made (as the case may be) or such longer time as the Minister may allow, and no proceedings shall be taken in respect of any notice, demand, or order whilst the appeal is pending:

Provided that no appeal against such a demand or order shall lie if and so far as the appeal raises any question which might have been raised on an appeal against the notice itself, and subject to such appeal the notice, demand, or order shall be binding and conclu-

sive as to any matters which could have been raised on such appeal:

(*c*) The raising of money to defray the expenses of repairs executed by a local authority under that section shall be a purpose for which the local authority may borrow:

(*d*) Where a house in respect of which a notice has been served upon the owner by the local authority under subsection (1) of that section is not capable without reconstruction of being rendered fit for human habitation, and a closing order has in consequence been deemed to have become operative in respect thereof, the Minister may on the application of the local authority make an order authorising the authority to acquire the house, and thereupon the Housing Acts shall apply as if the house were land authorised to be acquired compulsorily for the purposes of a scheme under Part II. of the principal Act, and that land had been included in the scheme on account of the sanitary condition of the premises thereon:

(*e*) The local authority shall, for the recovery of their expenses with interest, have all the same powers and remedies under the Conveyancing Acts, 1881 to 1922, and otherwise as if they were mortgagees having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

Power to enter on land for purposes of scheme under Part I. or Part II.

11. The provisions of section ten of the Housing, Town Planning, &c. Act, 1919 (which enables a local authority to enter and take possession of land which they are authorised to purchase for the purposes of Part III. of the principal Act), shall apply in the case of the purchase of land compulsorily or by agreement for the purposes of a scheme under Part I. or Part II. of the principal Act as they apply where the land is to be purchased for the purposes of Part III. thereof, save that the length of notice required to be given before entry shall be twenty-eight days instead of fourteen days.

Provisions as to bye-

12.—(1) For the purpose of facilitating the erection of dwelling-houses, the Minister may prescribe a code of

laws relating to new streets.

building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of section one hundred and eighty-four of the Public Health Act, 1875, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

38 & 39 Vict. c. 55.

(2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.

(3) Where as respects the area of any local authority matters relating to the level, width and construction of new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.

(4) Before a resolution is passed under this section notice of the proposed resolution shall be published in one or more newspapers in circulation in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy of the resolution to the Minister.

(5) For the purpose of facilitating the erection of dwelling-houses within the administrative county of London, the London County Council may, with the consent of the Minister, suspend, alter, or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation.

(6) Except as otherwise expressly provided, this section shall not apply to the administrative county of London.

Amendment of s. 44 of Act of 1909.

13. The Housing, Town Planning, &c. Act, 1909, shall have effect as if for section forty-four thereof the following section were substituted:

"If the Minister is satisfied, by local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district, is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke such byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Minister may himself revoke such byelaws, and make such new byelaws as he may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister."

Byelaws respecting houses divided into separate tenements.

14.—(1) Section twenty-six of the Housing, Town Planning, &c. Act, 1919 (which relates to byelaws respecting houses divided into separate tenements), shall, in its application to the administrative county of London, have effect—

(*a*) as if after paragraph (i) of subsection (1) of that section there were inserted the following paragraph:—

"(j) for the taking of precautions in the case of any infectious disease;"

(2) Byelaws made by the London County Council in pursuance of the said section as so amended, may provide that the byelaws shall, either generally or as respects any particular metropolitan borough or any part thereof, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(3) As soon as any byelaws made by the London County Council in pursuance of the said section as so amended come into force, all byelaws made by the council of any metropolitan borough under section

54 & 55 Vict. c. 76.

ninety-four of the Public Health (London) Act, 1891, shall cease to have effect, but the council of a metropolitan borough shall themselves have power at any time after such byelaws have been made by the London County Council to make byelaws under the said section ninety-four with respect to any houses or parts of houses in their area let in lodgings or occupied by members of more than one family to which the byelaws made by the London County Council do not apply.

Simplification of Housing Acts.

15. For the purpose of facilitating the consolidation and of simplifying the machinery of the Housing Acts, the provisions set out in the First Schedule to this Act—

(*a*) for assimilating the procedure in the case of schemes under Parts I. and II. of the principal Act and the assessment of compensation thereunder;

(*b*) for assimilating the assessment of compensation in the case of the demolition of obstructive dwelling-houses and other buildings;

(*c*) for simplifying the accounts of the receipts and expenditure of local authorities; and

(*d*) for making uniform the provisions as to the service of notices;

shall have effect.

Minor amendments.

16. The amendments specified in the second column of the Second Schedule to this Act (relating to minor amendments of Housing Acts) shall be made in the provisions of the Housing Acts specified in the first column of that schedule.

Construction of Part I.

Repealed by Housing Act 1925

17. This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained, and references in this Part of this Act to the principal Act, or to any provision of the principal Act, shall be construed as references to that Act or provision as amended by any subsequent enactment including this Part of this Act.

Part II is repealed by the Town Planning Act 1925

Part II.

Town Planning, &c.

Determination of questions as to compensation under town planning schemes. 9 & 10 Geo. 5. c. 57.

18. Any question which under subsection (4) of section fifty-eight of the Housing, Town Planning, &c. Act, 1909, is to be determined by the arbitration of a single arbitrator appointed by the Minister shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Extension of time for preparation of town planning schemes.

19. The time within which councils of boroughs and urban districts are required by section forty-six of the Housing, Town Planning, &c. Act, 1919, to prepare and submit to the Minister town planning schemes shall be extended to six years from the first day of January, nineteen hundred and twenty-three, and accordingly subsection (1) of that section shall have effect as if for the words "three years" there were substituted the words "six years."

Notice to withdraw or modify provisions of scheme.

20.—(1) The responsible authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected by the making of a town-planning scheme, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the responsible authority shall, within three months from the date of the notice, submit for the Minister's approval a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Minister of the varying scheme, whether with or without modification, and payment by the authority of the owner's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected by the making of a town-planning scheme shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the Minister's decision on the varying scheme.

Power to make town planning schemes in special cases.

21. Where it appears to the Minister that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that with a view to preserving the existing character and to protecting the existing features of the locality a town planning scheme should be made with respect to any area comprising that locality, the Minister may, notwithstanding that the land or any part thereof is already developed, authorise a town planning scheme to be made with respect to that area prescribing the space about buildings, or limiting the number of buildings to be erected, or prescribing the height or character of buildings, and, subject as aforesaid, the Town Planning Acts, 1909 to 1923, shall apply accordingly.

PART III.

AMENDMENTS OF THE SMALL DWELLINGS ACQUISITION ACTS.

Amendments of 62 & 63 Vict. c. 44.

22. The Small Dwellings Acquisition Act, 1899, shall have effect subject to the following amendments :—

(*a*) An advance under that Act may be made to a person intending to construct a house, and in such case the limitation in that Act requiring that the person to whom the advance is made must be resident in the house, shall be construed as requiring that the person should be a person intending to reside in the house when constructed :

(*b*) The limit on the market value of houses in respect of which advances may be made under that Act shall be increased from eight hundred to twelve hundred pounds :

(*c*) The statutory condition requiring the proprietor of a house in respect of which an advance has been made to reside in the house shall have effect for a period of three years from the date when the advance is made, or from the date on which the house is completed, whichever is the later, but no longer, and compliance with this condition may at any time be dispensed with by the local authority :

(*d*) The market value of the ownership of any house in respect of which an advance is to be made under that Act shall be ascertained by means of a valuation duly made on behalf of the local authority, and the amount of any such advance shall not exceed ninety per cent. of the market value as so ascertained:

(*e*) Where an advance is made in respect of a house in course of construction, the advance may be made by instalments from time to time as the building of the house progresses, so that the total advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction of the house including the value of the interest of the person to whom the advance is made in the site thereof:

(*f*) A person shall not, by reason only of the fact that an advance is made to him under that Act, be disqualified from being elected as or being a member of the local authority by whom the advance is made or any committee of such local authority.

Part IV.

General.

Application to Scotland.

23. This Act shall apply to Scotland, subject to the following modifications:—

(1) References to the Minister of Health in this Act, except in paragraph (*b*) of subsection (2) of section ten, shall be construed as references to the Scottish Board of Health, and the references to the Minister in paragraph (*b*) aforesaid shall be construed as references to the sheriff.

(2) References to section seven, section ten, section nineteen, section twenty-eight and section forty-six of the Housing, Town Planning, &c. Act, 1919, shall be construed as references to section five, section nine, section sixteen, section twenty-five and section thirty-two respectively of the Housing, Town Planning, &c. (Scotland) Act, 1919, the reference to section one hundred

9 & 10 Geo. 5. c. 60.

and eighty-four of the Public Health Act, 1875, shall be construed as a reference to section three hundred and eighteen of the Burgh Police (Scotland), Act, 1892, and the reference to the Town Planning Acts, 1909 to 1923, shall be construed as a reference to the Town Planning (Scotland) Acts, 1909 to 1923.

55 & 56 Vict. c. 55.

(3) "Mortgage" or "mortgage deed" means bond and disposition in security or deed of security in such other form as the persons concerned may agree, and "mortgagor" shall be construed accordingly, and "arbitrator" means arbiter.

(4) Section eight, section nine, and paragraph (*e*) of subsection (2) of section ten shall not apply.

(5) Contributions may be made or undertaken to be made by the Scottish Board of Health with the approval of the Treasury under subsection (3) of section one towards the expenses incurred by a local authority in carrying out a scheme under Part III. of the principal Act, so far as the scheme relates to the exercise by the authority of powers conferred by subsection (1) of section eleven of the Housing, Town Planning, &c. (Scotland) Act, 1919, or so far as the scheme provides for rehousing persons displaced in consequence of closing or demolition orders, or of alterations under the said section eleven, and the provisions of the said subsection (3) shall apply to the contributions towards the expenses aforesaid as they apply to contributions towards the expenses mentioned in the subsection.

(6) Subsection (5) of section one shall not apply, and in lieu thereof the following provision shall have effect:—

"References in section one to local authorities shall, in any case where a county council or a district board of control under the Lunacy (Scotland) Acts, 1857 to 1913, exercise their powers of providing houses for persons in the employment of, or paid by them, include such county council or district board of control as the case may be."

(7) Section six shall have effect as if it included amongst the sections thereby repealed section seven of the Housing, Town Planning, &c.

(Scotland) Act, 1919, and as if in subsection (2) there were substituted for the words "paragraph (*b*) of subsection (2)" the words "paragraph (*b*) of subsection (1)."

(8) Section seven shall not apply, and in lieu thereof the following provision shall have effect:—

"Section fourteen of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which relates to the powers of local authorities for dealing with land acquired or appropriated for the purposes of Part III. of the principal Act) shall have effect as if after the words 'sell' in paragraph (*c*) of subsection (1) thereof the words 'lease or feu' were inserted, and as if after the word 'sell' in paragraph (*d*) of subsection (1) the word 'feu' were inserted, and in subsection (2) of the said section the words from 'subject to any condition' to 'houses erected thereon and' shall be repealed: Provided that where a local authority have sold land acquired by them under the Housing Acts, and the purchaser of the land has entered into any agreement with the local authority concerning the land, the authority shall have power to enforce the agreement against the persons deriving title under that purchaser, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the agreement was entered into, in like manner and to the like extent as if they had been in possession of or interested in such land."

(9) Subsection (1) of section ten shall not apply and in lieu thereof the following provision shall have effect:—

"Subsection (15) of section fifty-three of the Housing, Town Planning, &c. Act, 1909, shall have effect as respects letting for habitation after the passing of this Act as if for the word 'sixteen,' there were substituted the word 'twenty-six.'"

(10) Section eleven shall apply only in cases where a local authority is authorised to purchase land

compulsorily for the purposes of a scheme under Part I. or Part II. of the principal Act.

(11) Subsection (3) of section twelve shall have effect as if for the references therein to a local Act there were substituted references to any statutory enactment.

(12) Section thirteen shall have effect as if the words " by the Minister " were omitted.

(13) Section nineteen shall apply with the substitution of the words " councils of burghs " and other local authorities are or may be " required " for the words " councils of boroughs " and urban districts are required."

(14) Subsection (2) of section twenty-five of the Housing, Town Planning, &c. (Scotland) Act, 1919, shall have effect as if the following words were therein substituted for the words from " and may recover the expenses " to the end of the subsection :—

" Any expenses incurred by the local authority under this section may be recovered from the owner in a summary manner, together with interest at the prescribed rate, from the date of service of a demand for the same till payment thereof. The local authority may by order declare any such expenses to be payable by monthly or annual instalments within a period not exceeding thirty years, with interest at the prescribed rate from the date of service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner or occupier, and if recovered from the occupier may be deducted by him from the rent of such premises. Interest at the prescribed rate means interest at such rate as the Scottish Board of Health with the approval of the Treasury may from time to time by order, fix, and different rates of interest may be fixed in different cases."

(15) Section eight of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which contains provisions as to assessment of compensation), shall have effect as if for the words " including any

" premises thereon which are in an insanitary " condition or are dangerous or prejudicial to " health " there were substituted the words " including any premises thereon which are " specified in such schemes as being in an " insanitary condition or dangerous or pre- " judicial to health."

(16) Section twenty-three of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which relates to publication of details of progress in connection with approved schemes), shall have effect as if for the words " six months " wherever these words occur there were substituted the words " twelve months."

(17) Notwithstanding anything in any enactment a person shall not, by reason only of the fact that he occupies under any lease or agreement with, or has purchased or agrees to purchase from a local authority within the meaning of Part III. of the principal Act a house belonging to such local authority, be disqualified for being nominated, elected, being or continuing a member of such authority or of any committee thereof.

(18) The following section shall be substituted for section seven of the Housing (Scotland) Act, 1920 :— 10 & 11 Geo. 5. c. 71.

" 7. The rate of interest on advances under section one of the Small Dwellings Acquisition Act, 1899, shall be such rate as the Secretary for Scotland, with the approval of the Treasury, may from time to time by order fix, and different rates may be fixed in different cases."

Repeals and extent.

24.—(1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule subject, however, as respects the enactments mentioned in section six of this Act, to the provisions therein contained.

(2) This Act shall not extend to Northern Ireland.

Short title.

25.—(1) This Act may be cited as the Housing, &c. Act, 1923.

(2) The Housing Acts, 1890 to 1921, and Part I. of this Act, may be cited together as the Housing Acts,

1890 to 1923, and are in this Act referred to as the Housing Acts.

(3) The Housing (Scotland) Acts, 1890 to 1921, and Part I. of this Act as applied to Scotland, may be cited together as the Housing (Scotland) Acts, 1890 to 1923, and are in this Act in its application to Scotland referred to as the Housing Acts.

(4) The Town Planning Acts, 1909 and 1919, and Part II. of this Act may be cited together as the Town Planning Acts, 1909 to 1923.

(5) The Town Planning (Scotland) Acts, 1909 and 1919, and Part II. of this Act as applied to Scotland, may be cited together as the Town Planning (Scotland) Acts, 1909 to 1923.

(6) The Small Dwellings Acquisition Acts, 1899 and 1919, and Part III. of this Act, may be cited together as the Small Dwellings Acquisition Acts, 1899 to 1923.

(7) The Small Dwellings Acquisition (Scotland) Acts, 1899 and 1919, and Part III. of this Act as applied to Scotland, may be cited together as the Small Dwellings Acquisition (Scotland) Acts, 1899 to 1923.

SCHEDULES.

Section 15.

Repealed by the Housing Act 1925

FIRST SCHEDULE.

ASSIMILATION OF PROCEDURE UNDER PARTS I. AND II.

1. Where a resolution has been passed by a local authority under Part I. of the principal Act that an improvement scheme ought to be made, all the provisions of the Housing Acts relating to the making, confirming and carrying out of schemes under Part II. of that Act, and as to the assessment of compensation for land taken under such a scheme, shall apply in lieu of the provisions governing such matters in relation to schemes under Part I.

2. The Second Schedule to the principal Act except paragraphs (10) and (12), thereof, shall cease to have effect, but those paragraphs shall apply in the case of schemes made under Part II. as well as in the case of schemes made under Part I. of the principal Act, and so much of paragraph (10) as relates to

the date of the commencement of the title to land shall apply in the case both of land taken compulsorily and of land purchased by agreement.

3. Section forty-one of the principal Act relating to the assessment of compensation shall, in its application to schemes both under Part I. and Part II. of the principal Act, have effect as if references to dwelling-houses included references to other buildings.

4. As respects the County of London, both the London County Council and the metropolitan borough councils shall be local authorities for the purposes of schemes under Part I. and under Part II. of the principal Act, subject to this qualification that where the scheme relates to not more than ten houses the council of the metropolitan borough to the exclusion of the county council shall be the local authority.

Compensation for Demolition of Obstructive Buildings.

5. The provisions of the Housing Acts relating to compensation for obstructive buildings, which are dwelling-houses, and the assessment thereof, shall apply to the case of obstructive buildings which are not dwelling-houses.

6. The compensation payable in respect of the demolition of an obstructive building, the site whereof is retained by the owner, shall be assessed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and the provisions of that Act, other than section two thereof, shall apply accordingly, notwithstanding that no land is acquired compulsorily.

Receipts and Expenditure under Housing Acts.

7. So much of the Housing Acts as requires receipts and expenditure of a local authority under Part I. or Part III. of the principal Act to be paid into and out of the Dwelling House Improvement Fund shall cease to have effect.

8. Every local authority shall keep separate accounts of their receipts and expenditure—

(*a*) under Part I. and so much of Part II. of the principal Act as relates to reconstruction schemes;

(*b*) under so much of Part II. of the principal Act as does not relate to such schemes;

(*c*) under Part III. of the principal Act.

Service of Notices.

9. Any notice, order, or other document required or authorised to be served under the Housing Acts may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last-known place of abode of that person; or

(*c*) by forwarding it by post in a pre-paid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society addressed to the secretary of the company or society at the registered or principal office of the company or society; or

(*d*) if addressed to the "owner" or "occupier" of premises, by delivering it to some person on the premises, or if there is no person in the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

10. Any notice, order, or other document which is by the Housing Acts required or authorised to be served on the owner or occupier of any premises may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

11. Nothing in this Schedule shall affect the provisions of the Housing Acts relating to the service of notices, summons, writs and other proceedings at law or otherwise required to be served on local authorities under those Acts.

Section 16.

SECOND SCHEDULE.

Repealed except so far as it amends ss. 59 and 69 of the Housing Town Planning &c Act 1909 by the Housing Act 1925 and repealed so far as it amends s. 59 of the Housing Town Planning Act 1909 by the Town Planning Act 1925

MINOR AMENDMENTS OF HOUSING ACTS.

Enactments to be amended.		Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70.	s. 2	The definition of "this Part of this Act" shall be omitted.
	s. 5 (2)	For the words "six or more persons liable to be rated to the local rate" and in the case of Scotland for the words "twelve or more persons liable to be rated to the local rate," there shall be substituted the words "four or more local government electors in the district."
	s. 26	The whole section shall be omitted.

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70—*cont.*	
s. 29	In the definition of the expression "street" for the purposes of Part I. as well as for the purposes of Part II. of the principal Act there shall be inserted after the word "alley" the words "or passage," and after the words "row of houses" the words "whether a thoroughfare or not." The definition of "closing order" shall be omitted.
s. 31 (1)	For the word "householders" there shall be substituted the words "local government electors."
s. 31 (2)	For the word "householders" there shall be inserted the word "electors."
s. 34 (2)	After the words "thereof to abate," there shall be inserted the words "or alter," and the words "at the expense of the owner" shall be omitted, and after the words "alter the same," there shall be added the words "and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt."
s. 36 (4)	The subsection shall be omitted.
s. 37 (5)	From the words "Any transfer," down to the end of the subsection shall be omitted.
s. 38 (2)	For the words "inhabitant householders of" there shall be substituted the words "local government electors in."
s. 38 (10)	The words "at the expense of the owner thereof" shall be omitted, and after the words "alter the same" there shall be added the words "and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt."

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70—*cont.*	
s. 39 (1)	In paragraph (*a*) for the words "area of the dwelling-house of which such building" there shall be substituted the words "area of which such building," and in paragraph (*b*) for the words "the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils" there shall be substituted the words "the most satisfactory method of dealing with the said evils is by the demolition or the reconstruction and re-arrangement of the said buildings or of some of them."
s. 39 (2)	For the words from "be served in "manner provided in Part I. of "this Act" to the end of the subsection there shall be substituted the words "be published and served "as provided in section seven of "this Act."
s. 44	The whole section shall be omitted.
s. 45	For the words "inhabitant householders" there shall be substituted the words "four or more local "government electors in the dis-"trict."
s. 51 (1)	After the words "such owner or officer" there shall be inserted the words "or of the authority."
s. 51 (2)	The words "at the expiration of ten days after the service of such order" shall be omitted, and for the word "therewith" there shall be substituted the words "with such order."
Housing of the Working Classes Act, 1903, 8 Edw. VII. c. 39.	
s. 4 (2)	For the words "six or more ratepayers of" and in the case of Scotland for the words "twelve or more ratepayers of" there shall be substituted the words "four or more

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1903, 8 Edw. VII. c. 39.—*cont.*	
	local government electors in," and for the words "six or more ratepayers," and in the case of Scotland for the words "twelve or more ratepayers," where those words occur the second time, there shall be substituted the words "four or more local government electors."
Schedule, par. (9)	For the word "dwelling," where that word first occurs, there shall be substituted the word "dwellings."
Schedule, par. (12) (e)	The words "three pounds" shall be substituted for the words "thirty shillings."
Housing, Town Planning, &c. Act, 1909,	
s. 10 (1) (*a*)	For the words "four inhabitant householders of" there shall be substituted the words "justice of the peace acting for the district, or by any four or more local government electors in."
s. 10 (1) (*b*)	For the words "four inhabitant householders of" there shall be substituted the words "any justice of the peace acting for the district, or by any four or more local government electors in."
s. 10 (1) (*c*)	For the words "four inhabitant householders of" there shall be substituted the words "any justice of the peace acting for the area, or by any four or more local government electors in."
s. 12	For the words "four inhabitant householders of" there shall be substituted the words "justice of the "peace acting for the district, or by "any four or more local government "electors therein."
s. 53 (11) (*a*)	For the words "four inhabitant householders of" there shall be substituted the words "four or "more local government electors "in."

Enactments to be amended.		Nature of Amendment.
Housing, Town Planning, &c. Act, 1909—*cont.*		
	s. 53 (11) (*b*)	For the words "four inhabitant householders of" there shall be substituted the words "four or "more local government electors "in."
	s. 59 (1)	After the words "if or so far as the provisions" there shall be inserted the words "are also contained in "any public general or local Act "or order having the force of an "Act of Parliament in force in the "area or."
	s. 69 (2)	After the words "medical officer of health of a" there shall be inserted the word "county."
Housing, Town Planning, &c. Act, 1919,		
	s. 8 (3)	After the words "to acquire" wherever they occur there shall be inserted the words "or appropriate."
	s. 26 (2)	For the words "the Public Health Acts" there shall be substituted the words "the Public Health Act, 1875, "or the Public Health (London) "Act, 1891, as the case may be."
	s. 26 (4)	For the words "subsection (5) of sec- "tion fifteen of the Housing, Town "Planning, &c. Act, 1909," there shall be substituted the words "section twenty-eight of this Act," and for the words "as if the owner or "other person were the landlord and "with such other" there shall be substituted the words "with such."
	s. 32	At the end the following words shall be inserted "and in the event of "the offence continuing after con- "viction thereof to a further fine not "exceeding five pounds for each day "on which the offence is continued "after such conviction."
	s. 35	For the words "(War Restrictions) Act, 1915," there shall be substituted the words "(Restrictions) Act, 1920."

Enactments to be amended.	Nature of Amendment.
Housing, Town Planning, &c. (Scotland) Act, 1919 (9 & 10 Geo. V. c. 60).	
s. 24	At the end of each of subsection (1) and subsection (2) the following words shall be inserted " and in the " event of the offence continuing after " conviction thereof to a further pen- " alty not exceeding five pounds for " each day on which the offence is " continued after such conviction."
s. 29	For the words " (War Restrictions) Act, 1915," there shall be substituted the words " (Restrictions) Act, 1920."

THIRD SCHEDULE.

Section 24.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890,	In section seven paragraphs (*c*) and (*d*). Section twenty. Section twenty-one. Section twenty-four. Subsections (5) (7) (8) (9) (10) and (11) of section forty-one. Section forty-nine. Paragraph (i) of section sixty-five. Subsection (1) of section eighty. The Second Schedule except paragraphs (10) and (12).
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act, 1899.	In section one the words from " any " advance shall " not " to " the " ownership; nor " and the word " and "

Session and Chapter.	Short title.	Extent of Repeal.
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Subsection (1) of section thirteen.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	Subsections (3) (4) (5) (6) and (8) of section fifteen. Section thirty. In subsection (1) of section fifty-nine in its application to Scotland the words "or are contained " in any general " Act or local Act " or order in force " in the area."
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section seven. Proviso to paragraph (*d*) of subsection (1) of section fifteen, and in subsection (2) of the same section the words from "subject to " any condition" to "houses erected " thereon; and". Section sixteen. Section nineteen.
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section five. Section seven. In subsection (2) of section fourteen the words from "sub- " ject to any con- " dition" to "houses erected " thereon; and". Section sixteen.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Sections one and two, except so far as they relate to Scotland. Sections three and four.
10 & 11 Geo. 5. c. 71.	The Housing (Scotland) Act, 1920.	Section seven.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921.	Section one and section eight.

CHAPTER 25.

An Act to amend the Agricultural Holdings Acts. [31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as to serving notice.

1. Unless or until a tenant of a holding shall have received notice that the person theretofore entitled to receive the rents and profits of the holding (hereinafter referred to as "the original landlord") has ceased to be so entitled, and also notice of the name and address of the person who has become entitled to receive such rents and profits, any notice, request, demand or other instrument which the tenant shall serve upon or deliver to the original landlord shall be deemed to have been served upon or delivered to the landlord of such holding.

Short title and construction.

2.—(1) This Act may be cited as the Agriculture (Amendment) Act, 1923.

(2) This Act shall, so far as it relates to England and Wales, be construed as one with the Agricultural Holdings Act, 1923, and, so far as it relates to Scotland, be construed as one with the Agricultural Holdings (Scotland) Act, 1923, and this Act and those Acts respectively may be cited together as the Agricultural Holdings Acts, 1923, or the Agricultural Holdings (Scotland) Acts, 1923, as the case may be.

13 & 14 Geo. 5. c. 9.

13 & 14 Geo. 5. c. 10.

(3) Section one of this Act shall be inserted in section fifty-seven of the Agricultural Holdings Act, 1923, as subsection (4) thereof, and in section forty-nine of the Agricultural Holdings (Scotland) Act, 1923, as subsection (5) thereof, and a copy of each of those Acts with section one so inserted and numbered shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and the King's printer of Acts of Parliament shall print in accordance with the copy so certified all copies of the said Acts which are printed after the commencement of this Act.

CHAPTER 26.

An Act to amend the Law with respect to Customs in the Isle of Man. [31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duties on tobacco. 8 & 9 Geo. 5. c. 41.

1. The additional duties of Customs on tobacco removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1918, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-three, until the first day of August, nineteen hundred and twenty-four.

Duties on ale or beer. 9 & 10 Geo. 5. c. 74.

2. The additional duties of Customs on ale or beer removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1919, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-three, until the first day of August, nineteen hundred and twenty-four.

Duties on spirits. 11 & 12 Geo. 5. c. 40.

3. The additional duties of Customs on spirits removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-three, until the first day of August, nineteen hundred and twenty-four.

Duties on cocoa. 12 & 13 Geo. 5. c. 36.

4. The duties of Customs on cocoa removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1922, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-three, until the first day of August, nineteen hundred and twenty-four.

New import duties.

5. The new import duties imposed on certain goods removed or imported into the Isle of Man by section five of the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied, and paid as from the first day of August, nineteen hundred and twenty-three, until the first day of August, nineteen hundred and twenty-four:

Provided that, in the case of any goods to which this section applies shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade. 9 & 10 Geo. 5. c. 32.

6. This Act may be cited as the Isle of Man (Customs) Act, 1923. Short title.

CHAPTER 27.

An Act to amend the Railway Fires Act, 1905.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Subsection (3) of section one of the Railway Fires Act, 1905 (hereinafter called the principal Act), shall be amended by the substitution of the words "two hundred pounds" for the words "one hundred pounds" in the said subsection. Amendment of 5 Edw. 7. c. 11. s. 1 (3).

2. The principal Act shall not apply in the case of any action for damage by fire brought against any railway company unless (1) notice in writing of the fire having occurred and of intention to claim in respect thereof shall have been sent to the said railway company within seven days of the occurrence of the damage; and (2) particulars in writing of the damage showing the amount of the claim in money not exceeding the said sum of two hundred pounds shall have been sent to the said railway company within twenty-one days of the occurrence of the damage. Conditions precedent to application of principal Act.

Repeal of s. 3 of principal Act.

3. Section three of the principal Act is hereby repealed.

Act not retrospective.

4. This Act shall not apply in the case of any fire which has occurred before the passing of this Act.

Short title.

5. This Act may be cited as the Railway Fires Act (1905) Amendment Act, 1923.

CHAPTER 28.

An Act to amend the law relating to the sale of intoxicating liquor to persons between fourteen and eighteen years of age. [31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalty for sale or supply of intoxicating liquor to young persons.

1.—(1) The holder of a justices' on-licence shall not knowingly sell or allow any person to sell, nor shall any servant of his knowingly sell to be consumed on the premises any intoxicating liquor to any person under the age of eighteen years; and no person under the age of eighteen years shall purchase or attempt to purchase in any licensed premises any intoxicating liquor for his own consumption therein: Provided that nothing in this subsection shall prevent the sale, supply, or purchase of beer, porter, cider, or perry to or by a person over the age of sixteen years where such liquor is sold, supplied, or purchased only for consumption at a meal to be consumed at the same time in such portion of the premises as is usually set apart for the service of meals, not being a bar as defined in section one hundred and twenty of the Children Act, 1908.

8 Edw. 7. c. 67.

(2) The holder of a justices' on-licence shall not knowingly allow, nor shall any servant of his knowingly allow, any intoxicating liquor to be consumed by any

person under the age of eighteen years in any bar as defined above on his licensed premises; and no person shall purchase, or attempt to purchase, any intoxicating liquor for consumption by a person under the age of eighteen years in any such bar.

(3) If any person acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding in the case of the first offence twenty shillings, and in the case of any subsequent offence forty shillings, but nothing in this Act shall be deemed to reduce the amount of any fine or penalty which may be imposed under section sixty-eight of the Licensing (Consolidation) Act, 1910, or section fifty-nine of the Licensing (Scotland) Act, 1903, for any contravention of either of those sections. 10 Edw. 7. and 1 Geo. 5. c. 24. 3 Edw. 7. c. 25.

(4) In the application of this section to Scotland references to a certificate as defined in Part VII. of the Licensing (Scotland) Act, 1903, shall be substituted for references to a justices' on-licence, and references to exciseable liquor shall be substituted for references to intoxicating liquor.

(5) Section sixty-seven of the Licensing (Consolidation) Act, 1910, and section fifty-eight of the Licensing (Scotland) Act, 1903, are hereby repealed.

2. This Act may be cited as the Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923. Short title and construction.

This Act as it applies to England and Wales shall be construed as one with the Licensing Acts, 1910 and 1921, and those Acts and this Act as it so applies may be cited together as the Licensing Acts, 1910 to 1923. 11 & 12 Geo. 5. c. 42.

This Act, as it applies to Scotland, shall be construed as one with the Licensing (Scotland) Acts, 1903 to 1921, and those Acts and this Act as it so applies may be cited together as the Licensing (Scotland) Acts, 1903 to 1923.

CHAPTER 29.

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Grants for public works.

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of twenty million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of these loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the local loan specified in the table contained in the Schedule to this Act should, to the extent specified in the last column of that table, not be reckoned as an asset of the local loans fund established under the National Debt and Local Loans Act, 1887 :

Now, therefore, the principal of the said loan to the extent aforesaid and the said sum shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland :

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the

1 Edw. 7. c. 35.

liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and in consequence thereof the said collateral security is the sole security for the repayment of the said loan:

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees as defined in clause three of the said memorandum was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal:

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was in the year ending the thirty-first day of March, nineteen hundred and twenty-three, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds with interest amounting to one hundred and thirty-one pounds seventeen shillings now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable:

Now, therefore, the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to one hundred and thirty-one pounds seventeen shillings shall be remitted.

4. This Act may be cited as the Public Works Loans Act, 1923. Short title.

SCHEDULE.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS.

LOAN UNDER THE HARBOURS AND PASSING TOLLS ACT, 1861. (24 & 25 Vict. c. 47.)

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£
Eyemouth Harbour Trustees -	10,000	200

CHAPTER 30.

An Act to extend temporarily the powers of the Minister of Transport with respect to the authorisation of railway works.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of powers under s. 16 of the Railways Act, 1921. 11 & 12 Geo. 5. c. 55.

1. Where application is made by a railway company under section sixteen of the Railways Act, 1921, for authority to provide any alteration, extension or improvement of existing works, the Minister may, by order under that section, notwithstanding anything therein contained, authorise the construction of the works if the expenditure involved will not exceed five hundred thousand pounds:

Provided that in the case of any order by the Minister under that section or under section seventeen of the said Act, authorising the alteration, extension, or improvement of works involving an expenditure exceeding one hundred thousand pounds—

(*a*) the order shall not come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days

during which the House is sitting, and, if either of those Houses before the expiration of those twenty-one days presents an address to His Majesty against the order, or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new order; and

(*b*) subsection (3) of section twenty-nine of the Ministry of Transport Act, 1919, shall not apply. 9 & 10 Geo. 5. c. 50.

Short title and duration.

2.—(1) This Act may be cited as the Railways (Authorisation of Works) Act, 1923.

(2) This Act shall continue in force for two years and no longer unless Parliament otherwise provides; but the expiration of this Act shall not affect the validity of any order for which application has been previously made thereunder.

CHAPTER 31.

An Act to empower the Secretary of State in Council of India to raise money in Great Britain for the Service of the Government of India.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the East India Loans Act, 1923.

Definition.

2. In this Act the expression "Secretary of State" means the Secretary of State in Council of India, unless the context otherwise requires.

Power to raise fifty million pounds for constructing, extending,

3. It shall be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, by the creation and issue of capital stock, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, any sum

and equipping railways in India and irrigation works and for other purposes.

or sums of money not exceeding in the whole fifty million pounds sterling, to be applied to—

(i) the construction, extension, equipment and improvement of railways in India by State agency, or through the agency of a company or companies under engagement with the Secretary of State;

(ii) the repayment of the principal of any bonds, debentures, or debenture stock issued by any such company under the guarantee of the Secretary of State;

(iii) the discharge of any obligations incurred or arising by reason of the purchase by the Secretary of State of any railway constructed or worked in India by any such company, or on the determination of the contract of any such company with the Secretary of State;

(iv) the construction, extension, equipment, and improvement of irrigation works in India.

Power to raise fifteen million pounds for the general purposes of the Government of India.

4. It shall also be lawful for the Secretary of State at any time or times to raise in Great Britain, as and when necessary, in the manner mentioned in section three of this Act, any sum or sums of money not exceeding in the whole fifteen million pounds sterling for the general purposes of the Government of India.

Issue of bonds.

5. All bonds to be issued by the Secretary of State under the authority of this Act shall bear the names of two members of the Council of India, and, by way of counter-signature, the name of the Secretary of State for India, or one of his Under-Secretaries, or his deputy or assistant Under-Secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest, as the said Secretary of State may think fit, and the names may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct.

Power to redeem securities at a premium, &c.

6. The power given to the Secretary of State by this Act to raise money by means of stock or other securities shall be deemed to include the power to provide for redemption of stock or securities at a premium, and the power to arrange for giving an option (subject to such conditions and on such terms as he may determine, and

with or without payment of any further consideration) to holders of stock or securities to take new stock or securities in lieu thereof and to create stock or securities for the purpose, and any stock or securities surrendered for the purpose of exchange shall be cancelled.

Any stock or securities created for the purpose of an exchange under this section shall not be taken into account in calculating the nominal amount of securities authorised to be issued under this Act.

Transfer books of capital stock.

7. In case of the creation and issue of capital stock there shall be kept, either at the office of the Secretary of State in London, or at the Bank of England, books wherein entries may be made of the said capital stock, and wherein assignments or transfers of the same, or any part thereof may be entered and registered, and may be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and in each case the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no stamp duties whatsoever shall be charged on the said transfers or any of them.

Nothing in this section shall affect the provisions of section six of the Government of India (Amendment) Act, 1916, with respect to the transfer of India Stock by deed. 6 & 7 Geo. 5. c. 37.

Nominal amount of securities to be issued.

8. Subject to the provisions of this Act, the nominal amount of the stock, bonds, debentures or bills issued under this Act shall not exceed the sum of money authorised to be raised by this Act.

Application of enactments. 56 & 57 Vict. c. 70. 8 Edw. 7. c. 54.

9. Sections five to eleven inclusive, sections fourteen to sixteen inclusive, and section nineteen of the East India Loan Act, 1893, and section five of the East India Loans Act, 1908, shall be incorporated with this Act:

Provided that—

(*a*) the said sections seven and eleven as so incorporated shall have effect as though the words "at par" were omitted;

(*b*) for the purposes of the said section fourteen as so incorporated, the purchase of securities

in the market and their subsequent cancellation shall be deemed to be repayment of principal moneys equal to the nominal amount of the securities purchased.

Saving.

10. This Act shall not prejudice or affect any power of raising or borrowing money, or of creating or issuing securities, vested in the Secretary of State at the time of the passing thereof.

Provision as to Members of the House of Commons.
22 Geo. 3. c. 45.
41 Geo. 3. c. 52.

11. None of the provisions of the House of Commons (Disqualifications) Act, 1782, or the House of Commons (Disqualifications) Act, 1801, shall be construed so as to extend to any subscription or contribution to any loan raised under this Act.

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amended by the Prevention of Eviction Act 1924 (c. 18) and by the Rent and Mort. Interest Restriction Act 1925 (c. 32)

CHAPTER 32.

An Act to amend and prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and any enactment amending that Act, and to make provision as to the rent and recovery of possession of premises in certain cases after the expiry of that Act, and for purposes in connection therewith.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

AMENDMENT AND PROLONGATION OF DURATION OF PRINCIPAL ACT.

Prolongation of duration of principal Act.
10&11 Geo. 5. c. 17.

1. Subject to the provisions of this Act, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (hereinafter referred to as the principal Act), shall continue in force until the twenty-fourth day of June, nineteen hundred and twenty-five.

Exclusion of dwelling-houses from application of principal Act in certain cases.

Cutts v Curry 1926 1 K.B. 460

Brookes v Lefter 1928 W.N. 59

Dunbar v. Smith 1926 1 K.B. 360

2.—(1) Where the landlord of a dwelling-house to which the principal Act applies is in possession of the whole of the dwelling-house at the passing of this Act, or comes into possession of the whole of the dwelling-house at any time after the passing of this Act, then from and after the passing of this Act, or from and after the date when the landlord subsequently comes into possession, as the case may be, the principal Act shall cease to apply to the dwelling-house:

Provided that, where part of a dwelling-house to which the principal Act applies is lawfully sub-let, and the part so sub-let is also a dwelling-house to which the principal Act applies, the principal Act shall not cease to apply to the part so sub-let by reason of the tenant being in or coming into possession of that part, and, if the landlord is in, or comes into possession of, any part not so sub-let, the principal Act shall cease to apply to that part, notwithstanding that a sub-tenant continues in, or retains, possession of any other part by virtue of the principal Act:

Provided also that, where a landlord comes into possession under an order or judgment made or given after the passing of this Act, on the ground of non-payment of rent, the principal Act shall, notwithstanding anything in the foregoing provisions of this subsection, continue to apply to the dwelling-house.

See Rent and Mortgage Int. Act 1925, s. 1 (3)(b)

(2) Where, at any time after the passing of this Act, the landlord of a dwelling-house to which the principal Act applies grants to the tenant a valid lease of the dwelling-house for a term ending at some date [after the twenty-fourth day of June, nineteen hundred and twenty-six,] being a term of not less than two years, or enters into a valid agreement with the tenant for a tenancy for such a term, the principal Act shall, as from the commencement of the term, cease to apply to the dwelling-house, and nothing in the principal Act shall be taken as preventing or invalidating the payment of any agreed sum as part of the consideration for such lease or agreement:

Provided that, where part of the dwelling-house is lawfully sub-let at the commencement of the term, and is a dwelling-house to which the principal Act applies, that part shall, notwithstanding anything in the foregoing provisions of this subsection, continue to be a dwelling-house to which the principal Act applies.

(3) For the purposes of this section, the expression "possession" shall be construed as meaning "actual possession," and a landlord shall not be deemed to have come into possession by reason only of a change of tenancy made with his consent.

Determination of certain leases and tenancies.

3. Where before the passing of this Act the landlord of a dwelling-house to which the principal Act applies has granted to the tenant a valid lease of the dwelling-house for a term ending at some date after the twenty-fourth day of June, nineteen hundred and twenty-three, or has entered into a valid agreement with the tenant for a tenancy for such a term, and the rent thereby reserved is reserved at a rate which after but not before such last mentioned date exceeds the standard rent and the increases permitted under the principal Act or this Act, the landlord may, by three months notice in writing expiring not earlier than the twenty-first day of December, nineteen hundred and twenty-three, and not later than the thirty-first day of March, nineteen hundred and twenty-four, determine the said lease or tenancy, provided that, if within one month of the receipt of such notice the lessee or tenant shall give to the landlord notice in writing that he elects to abide by the said lease or agreement and the terms thereof, then the said lease or agreement shall remain in full force and effect in every respect including the amount of the rent thereby expressed to be reserved unaffected by the principal Act or this Act.

Restriction on right to possession.

4. The following section shall be substituted for section five of the principal Act, namely:—

"5.—(1) No order or judgment for the recovery of possession of any dwelling-house to which this Act applies, or for the ejectment of a tenant therefrom, shall be made or given unless—

"(*a*) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy (whether under the contract of tenancy or under this Act) so far as the same is consistent with the provisions of this Act has been broken or not performed; or

"(*b*) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to

adjoining occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by or the neglect or default of the tenant or any such person, and, where such person is a lodger or sub-tenant, the court is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant; or

"(*c*) the tenant has given notice to quit, and in consequence of that notice the landlord has contracted to sell or let the dwelling-house or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession; or

"(*d*) the dwelling-house is reasonably required by the landlord for occupation as a residence for himself, or for any son or daughter of his over eighteen years of age, or for any person bonâ fide residing with him, or for some person engaged in his whole time employment or in the whole time employment of some tenant from him or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into, and (except as otherwise provided by this subsection) the court is satisfied that alternative accommodation is available which is reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent, character, and proximity to place of work and which consists either of a dwelling-house to which this Act applies, or of premises to be let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by this Act in the case of a dwelling-house to which this Act applies; or

"(*e*) the dwelling-house is reasonably required for the purpose of the execution of the statutory

duties or powers of a local authority, or statutory undertaking, or for any purpose which, in the opinion of the court, is in the public interest, and the court in either case is satisfied as aforesaid as respects alternative accommodation; or

"(*f*) the landlord became the landlord after service in any of His Majesty's forces during the war and requires the house for his personal occupation and offers the tenant accommodation on reasonable terms in the same dwelling-house, such accommodation being considered by the court as reasonably sufficient in the circumstances; or

"(*g*) the dwelling-house is required for occupation as a residence by a former tenant thereof who gave up occupation in consequence of his service in any of His Majesty's forces during the war; or

"(*h*) the tenant without the consent of the landlord has at any time after the thirty-first day of July, nineteen hundred and twenty-three, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house, the remainder being already sub-let; or

"(*i*) the dwelling-house consists of or includes premises licensed for the sale of intoxicating liquor, and the tenant has committed an offence as holder of the licence or has not conducted the business to the satisfaction of the licensing justices or the police authority, or has carried it on in a manner detrimental to the public interest, or the renewal of the licence has for any reason been refused;

and, in any such case as aforesaid, the court considers it reasonable to make such an order or give such judgment.

"The existence of alternative accommodation shall not be a condition of an order or judgment on any of the grounds specified in paragraph (*d*) of this subsection—

"(i) where the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment; or

"(ii) where the court is satisfied by a certificate of the county agricultural committee, or of the Minister of Agriculture and Fisheries pending the formation of such committee, that the dwelling-house is required by the landlord for the occupation of a person engaged on work necessary for the proper working of an agricultural holding, or with whom conditional on housing accommodation being provided, a contract for employment on such work has been entered into; or

"(iii) where the landlord gave up the occupation of the dwelling-house in consequence of his service in any of His Majesty's forces during the war; or

"(iv) where the landlord or the husband or wife of the landlord became the landlord before the thirtieth day of June, nineteen hundred and twenty-two, and the dwelling-house is reasonably required by him for occupation as a residence for himself or for any son or daughter of his over eighteen years of age; or

Repealed by the Prevention of Eviction Act 1924

"(v) where the landlord or the husband or wife of the landlord did not become the landlord before the thirtieth day of June, nineteen hundred and twenty-two, and the dwelling-house is reasonably required by him for occupation as a residence for himself or for any son or daughter of his over eighteen years of age, and the court is satisfied that greater hardship would be caused by refusing to grant an order or judgment for possession than by granting it.

Repealed by the Prevention of Eviction Act 1924

"(2) At the time of the application for or the making or giving of any order or judgment for the recovery of possession of any such dwelling-house, or for the ejectment of a tenant therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the passing of this Act, and not executed at any subsequent time, the court may adjourn the application, or stay or suspend execution on any such order or judgment, or postpone the date of possession for such period or periods as it thinks fit, and subject to such conditions (if any) in regard to payment by the tenant of arrears of rent, rent, or mesne profits

and otherwise as the court thinks fit, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order or judgment.

"(3) Where any order or judgment has been made or given before the passing of this Act but not executed, and, in the opinion of the court, the order or judgment would not have been made or given if this Act had been in force at the time when such order or judgment was made or given, the court may, on application by the tenant, rescind or vary such order or judgment in such manner as the court may think fit for the purpose of giving effect to this Act.

51 & 52 Vict. c. 43.
1 & 2 Vict. c. 74.

"(4) Notwithstanding anything in section one hundred and forty-three of the County Courts Act, 1888, or in section one of the Small Tenements Recovery Act, 1838, every warrant for delivery of possession of, or to enter and give possession of, any dwelling-house to which this Act applies, shall remain in force for three months from the day next after the last day named in the judgment or order for delivery of possession or ejectment, or, in the case of a warrant under the Small Tenements Recovery Act, 1838, from the date of the issue of the warrant, and in either case for such further period or periods, if any, as the court shall from time to time, whether before or after the expiration of such three months, direct.

"(5) An order or judgment against a tenant for the recovery of possession of any dwelling-house or ejectment therefrom under this section shall not affect the right of any sub-tenant to whom the premises or any part thereof have been lawfully sub-let before proceedings for recovery of possession or ejectment were commenced, to retain possession under this section, or be in any way operative against any such sub-tenants.

"(6) Where a landlord has obtained an order or judgment for possession or ejectment under this section on the ground that he requires a dwelling-house for his own occupation, and it is subsequently made to appear to the court that the order or judgment was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the order or judgment.

"(7) The provisions of the last preceding subsection shall apply in any case where the landlord has, after the thirty-first day of July, nineteen hundred and twenty-three, obtained an order or judgment for possession or ejectment on any of the grounds specified in paragraph (*d*) of subsection (1) of this section, and it is subsequently made to appear to the court that the order or judgment was obtained by misrepresentation or concealment of material facts, and in any such case the court may, if it thinks fit, in addition to making an order for payment of compensation by the landlord to the former tenant, direct that the dwelling-house shall not be excluded from this Act by reason of the landlord having come into possession thereof under the said order or judgment, and, if such a direction is given, this Act shall apply and be deemed to have applied to the dwelling-house as from the date mentioned in such direction."

Suspension of increase of rent on ground of disrepair.

5.—(1) Where the tenant of a dwelling-house to which the principal Act applies has obtained from the sanitary authority a certificate that the house is not in a reasonable state of repair, and has served a copy of the certificate upon the landlord, it shall be a good defence to any claim against the tenant for the payment of any increase of rent permitted under paragraph (*c*) or paragraph (*d*) of subsection (1) of section two of the principal Act in respect of any subsequent rental period that the house was not in a reasonable state of repair during that period, and in any proceedings against the tenant for the enforcement of such claim (including proceedings for recovery of possession or ejectment on the ground of non-payment of rent so far as the rent unpaid includes such increase), the production of the said certificate shall be sufficient evidence that the house was and continues to be in the condition therein mentioned unless the contrary is proved:

Provided that this section shall not apply in any case where and so far as the condition of the house is due to the tenant's neglect or default or breach of express agreement.

(2) When, after the issue of any such certificate, the landlord has executed to the satisfaction of the sanitary authority the repairs which require to be executed in order to put the dwelling-house into a reasonable state of

repair, the authority shall, on the application of the landlord and upon payment of a fee of one shilling, issue a report to that effect.

Notice of increase of rent.

Williams v. Britannic Co 1924 W. N. 223

6.—(1) The county court, if satisfied that any error or omission in a notice of intention to increase rent, whether served before or after the passing of this Act, is due to a bonâ fide mistake on the part of the landlord, shall have power to amend such notice, by correcting any errors and supplying any omissions therein, which, if not corrected or supplied, would render the notice invalid, on such terms and conditions as respects arrears of rent or otherwise as appear to the court to be just and reasonable, and, if the court so directs, the notice as so amended shall have effect and be deemed to have had effect as a valid notice.

(2) The form of notice in the First Schedule to the principal Act shall be amended by the substitution of the words "date of service of this notice" for the words "date of this notice."

Permitted increases of rent of sub-tenancies.

7.—(1) Where part of a dwelling-house to which the principal Act applies is lawfully sub-let, and the part so sub-let is also a dwelling-house to which the principal Act applies, then, in addition to any increases permitted by paragraphs (*a*) to (*e*) of subsection (1) of section two of the principal Act, an amount not exceeding ten per cent. of the net rent of the dwelling-house comprised in the sub-tenancy shall be deemed to be a permitted increase in the case of that dwelling-house, and an amount equivalent to five per cent. of the net rent of the dwelling-house comprised in the sub-tenancy shall be deemed to be a permitted increase in the case of the dwelling-house comprised in the tenancy. Subsection (2) of section three of the principal Act shall not apply as respects any increase permitted under this subsection.

(2) Where part of any such dwelling-house is so sub-let, the tenant shall, on being so requested in writing by the landlord, supply him, within fourteen days thereafter, with a statement in writing of any sub-letting, giving particulars of occupancy, including the rent charged, and should the tenant without reasonable excuse fail to do so or supply a statement which is false in any material particulars he shall be liable on summary conviction to a fine not exceeding two pounds.

(3) In subsection (6) of section two of the principal Act the expression "landlord" shall, in relation to a sub-tenancy, be taken to include not only the person who is immediate landlord of the sub-tenant but also the landlord of that person.

Limitation on recovery of over-payments or arrears.

8.—(1) No increase of rent which becomes payable by reason of an amendment of a notice of increase made by order of the county court under this Act shall be recoverable in respect of any rental period which ended more than six months before the date of the order.

(2) Any sum paid by a tenant or mortgagor which, under subsection (1) of section fourteen of the principal Act is recoverable by the tenant or mortgagor shall be recoverable at any time within six months from the date of payment but not afterwards, or in the case of a payment made before the passing of this Act, at any time within six months from the passing of this Act but not afterwards.

(3) Nothing in this section shall affect the operation of the Rent Restriction (Notices of Increase) Act, 1923. 13&14Geo.5. c. 13.

Excessive charges for furniture, &c., taken over in connexion with tenancies.

9.—(1) Where the purchase of any furniture or other articles is required as a condition of the grant, renewal, or continuance of a tenancy or sub-tenancy of a dwelling-house to which the principal Act applies, the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and, if the price exceeds the reasonable price of the articles, the excess shall be treated as if it were a fine or premium required to be paid as a condition of the grant, renewal, or continuance, and the provisions of section eight of the principal Act, including penal provisions, shall apply accordingly.

(2) Where a tenant who by virtue of the principal Act retains possession of a dwelling-house to which that Act applies requires that furniture or other articles shall be purchased as a condition of giving up possession, the price demanded shall, at the request of the person on whom the demand is made, be stated in writing, and, if the price exceeds the reasonable price of the articles, the excess shall be treated as a sum asked to be paid as a condition of giving up possession, and the provisions of subsection (2) of section fifteen of the principal Act (including penal provisions) shall apply accordingly.

Amendment of provisions of the principal Act as to houses let with furniture, &c.

10.—(1) For the purposes of proviso (i) to subsection (2) of section twelve of the principal Act (which relates to the exclusion of dwelling-houses from the principal Act in certain circumstances), a dwelling-house shall not be deemed to be bonâ fide let at a rent which includes payments in respect of attendance or the use of furniture unless the amount of rent which is fairly attributable to the attendance or the use of the furniture, regard being had to the value of the same to the tenant, forms a substantial portion of the whole rent.

(2) In sections nine and ten of the principal Act (which relate to limitation of rent of houses let with furniture and penalties for excessive charges for such lettings) the expressions "landlord" and "tenant" shall respectively be substituted for the expressions "lessor" and "lessee."

Power of county court to determine questions as to standard rent, &c.

11.—(1) The county court shall have power on the application of a landlord or a tenant to determine summarily any questions as to the amount of the rent, standard rent or net rent of any dwelling-house to which the principal Act applies, or as to the increase of rent permitted under that Act or this Part of this Act.

(2) The Lord Chancellor may, by rules and directions made and given under section seventeen of the principal Act, provide for any questions arising under or in connection with the principal Act or this Part of this Act being referred by consent of the parties interested for final determination by the judge or registrar of a county court sitting as an arbitrator or by an arbitrator appointed by such judge.

PART II.

RESTRICTIONS AFTER EXPIRY OF PRINCIPAL ACT.

Restriction on right to possession in certain cases after the expiry of the principal Act.

12.—(1) If proceedings are taken against the person who on the twenty-fourth day of June, nineteen hundred and twenty-five, is tenant of a dwelling-house to which the principal Act then applies (hereinafter referred to as "the sitting tenant") for the recovery of possession of the dwelling-house or for the ejectment of the tenant therefrom at any time after that day, should it appear to the court that the proceedings are harsh or oppressive or that exceptional hardship would be caused to the sitting tenant by the making or giving of an order or judgment

for possession or ejectment, the court may refuse to make or give such an order or judgment or may adjourn the application for or stay or suspend execution of any such order or judgment or postpone the date of possession for such period or periods, and subject to such conditions as it thinks proper, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order or judgment.

(2) For the purpose of the exercise of its jurisdiction under this section, the court may direct that the tenancy of the sitting tenant shall be treated as a subsisting tenancy notwithstanding the determination of the same by any notice to quit or similar notice or otherwise and may set aside and annul any such notice accordingly, and shall have power to determine what increase of rent (if any) is fair and reasonable, regard being had to the character and condition of the dwelling-house and the rents of similar dwelling-houses in the locality.

(3) The court shall not exercise any of the powers given to it under the foregoing provisions of this section in any case where it is satisfied that greater hardship would be caused to the landlord by the exercise of the power than would be caused to the tenant by the refusal to exercise it.

(4) In any such proceedings an order or judgment for possession or ejectment against the sitting tenant of the dwelling-house shall not, unless the court otherwise directs, be operative against a sitting tenant of a part of the dwelling-house which, on the twenty-fourth day of June, nineteen hundred and twenty-five, is lawfully sub-let to him and is a separate dwelling-house to which the principal Act applies, and the court shall, in relation to that part of the dwelling-house and the sitting tenant thereof, have all the like powers and jurisdiction as it has in relation to the whole dwelling-house and the sitting tenant thereof.

(5) In order to assist the court in the determination of questions arising under this Part of this Act in relation to the rent, character or condition of dwelling-houses, the Minister of Health may establish reference committees to whom such questions may be referred by the court for consideration and report.

(6) The foregoing provisions of this section shall not apply to proceedings against a sitting tenant under the Small Tenements Recovery Act, 1838, and any such proceedings shall, on the application of the sitting tenant, be discontinued, subject to any provision that may be made by rules under this Part of this Act for transfer to the county court.

1 & 2 Vict. c. 74.

Reduction of rent pending the execution of repairs.

13.—(1) If the county court on the application of a sitting tenant is satisfied by the production of a certificate of the sanitary authority and such further evidence (if any) as may be adduced that the dwelling-house is not in a reasonable state of repair and that the condition of the dwelling-house is not due to the tenant's neglect or default or breach of express agreement, the court may order that the rent shall be reduced until the court is satisfied on the report of the sanitary authority or otherwise that the necessary repairs (other than any repairs for which the tenant is liable) have been executed, and subject to the terms of the order the rent shall be payable at such reduced rate as may be specified therein until the court is so satisfied.

(2) The powers of the county court under this section may be exercised by the court in any proceedings against a sitting tenant to which the last preceding section of this Act applies.

Restriction on calling in of mortgages.

14.—(1) Where a dwelling-house in the occupation of a sitting tenant is subject to a mortgage to which the principal Act applied, the county court may, on the application of the landlord, make an order restraining the mortgagee from calling in his mortgage or taking steps for enforcing his security or for recovering the principal money thereby secured, if it is satisfied that such calling in, enforcement or recovery would cause exceptional hardship to the landlord. The county court may, on the application of the mortgagee or landlord rescind or vary any order so made if satisfied that by reason of any material change in circumstances, rescission or variation is necessary or proper.

(2) The restrictions imposed on a mortgagee by an order under this section may be imposed subject to such conditions as regards increase of interest or otherwise and for such time as appears to the court to be proper,

but so nevertheless that the restrictions shall cease to be operative if at any time after the making of the order—

(*a*) interest is more than twenty-one days in arrear; or

(*b*) any covenant by the mortgagor (other than the covenant for the repayment of the principal money secured) is broken or not performed; or

(*c*) the mortgagor fails to keep the property in a proper state of repair or to pay the interest and instalments of principal recoverable under any prior encumbrance; or

(*d*) the sitting tenant ceases to be tenant of the dwelling-house.

(3) This section shall not apply to a mortgage where the principal money secured thereby is repayable by means of periodical instalments extending over a term of not less than ten years from the creation of the mortgage.

Regulations as to reference committees.

15.—(1) The constitution and procedure of reference committees established under this Part of this Act shall be such as may be prescribed by regulations made by the Minister of Health.

(2) In addition to any questions that may be referred to a reference committee by the county court under this Part of this Act, provision may be made by the regulations for the reference to and determination by a reference committee of any questions in relation to the rent payable or to be paid by a sitting tenant which may be submitted to them by the tenant and landlord.

(3) Before any regulation under this section is made, it shall be laid in draft before both Houses of Parliament, and such regulation shall not be made unless both Houses by resolution approve the draft, either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the Minister of Health may make the regulation in the form in which it has been approved, and the regulation on being so made shall be of full force and effect.

Rules as to procedure.

16. The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving full effect to the provisions of this Part of this Act relative to legal proceedings.

Duration of Part II.

17. This Part of this Act shall continue in force until the twenty-fourth day of June, nineteen hundred and thirty:

See Rent and Mortgage Int. re Act 1925 s. 1(2)

Provided that, if a resolution is passed by both Houses of Parliament for the repeal of this Part of this Act on some earlier date, it shall be lawful for His Majesty in Council to repeal this Part of this Act on such date as may be specified in that behalf in the resolution.

PART III.

GENERAL.

Certificates of sanitary authorities and definition of repairs.

18.—(1) For the purposes of the principal Act and this Act, a certificate of a sanitary authority as to the condition of a dwelling-house shall specify what works (if any) require to be executed in order to put the dwelling-house into a reasonable state of repair, and on any application to a sanitary authority for a certificate or report for the purposes aforesaid a fee of one shilling shall be payable, but if the authority, as a result of such application, issues a certificate to a tenant, the tenant shall be entitled to deduct the fee from any subsequent payment of rent.

(2) On any application to a county agricultural committee for a certificate for the purpose of paragraph (ii) of subsection (1) of section five of the principal Act, a fee shall be payable by the applicant to the county agricultural committee of such amount as the Minister of Agriculture and Fisheries shall by regulation determine.

(3) An instrument purporting to be a certificate or report of a sanitary authority or of a county agricultural committee and to be signed by an officer of the authority or committee shall, without further proof, be taken to be a certificate or report of the authority or committee unless the contrary is proved.

(4) A sanitary authority may appoint a committee for the purposes of the principal Act and this Act, and may delegate, with or without restrictions, to such committee or to an existing committee of the authority all or any of the powers of the authority under the principal Act or this Act.

(5) For the purposes of this Act, the expression "repairs" means any repairs required for the purpose of

keeping premises in good and tenantable repair, and any premises in such a state shall be deemed to be in a reasonable state of repair, and the landlord shall be deemed to be responsible for any repairs for which the tenant is under no express liability.

Application to Scotland.

19. This Act shall apply to Scotland subject to the following modifications :—

(*a*) The twenty-eighth day of May shall be substituted for the twenty-fourth day of June; the Scottish Board of Health shall be substituted for the Minister of Health; references to the registrar of a county court shall not apply; and "exciseable liquor" shall be substituted for "intoxicating liquor";

(*b*) For removing doubts, it is hereby declared that nothing in the principal Act affects the operation of the House Letting and Rating (Scotland) Act, 1920, and the reference in subsection (2) of section one of the last mentioned Act to the provisions of Acts repealed by the principal Act shall be construed as a reference to the provisions of section three of the principal Act. 10&11Geo.5. c. 8.

Short title, construction and extent. 13&14Geo.5. c. 7.

20. This Act may be cited as the Rent and Mortgage Interest Restrictions Act, 1923, and shall be construed as one with the principal Act, save that this Act shall not apply to Ireland, and the principal Act, the Increase of Rent and Mortgage Interest Restrictions (Continuance) Act, 1923, the Rent Restrictions (Notices of Increase) Act, 1923, and this Act may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 and 1923.

CHAPTER 33.

An Act to make further provision with respect to the Universities of Oxford and Cambridge and the Colleges therein. [31st July 1923.]

WHEREAS the Commissioners appointed by His Majesty's Warrant bearing date the fourteenth day of November, nineteen hundred and nineteen, to consider the applications which have been made by

the Universities of Oxford and Cambridge for financial assistance from the State, and for that purpose to enquire into the financial resources of the Universities and of the colleges and halls therein, into the administration and application of these resources, into the government of the Universities and into the relations of the colleges and halls to the Universities and to each other, have in their Report (in this Act referred to as "the Report of the Royal Commission") made recommendations with respect to the matters aforesaid and in particular have recommended that Statutory Commissions should be set up to carry out the changes in University and College statutes consequent on the recommendations of the Commissioners and where necessary to revise trusts:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of Commissions.

1.—(1) There shall be two bodies of Commissioners to be styled respectively "the University of Oxford Commissioners" and "the University of Cambridge Commissioners."

(2) The provisions of this Act referring to the Commissioners shall be construed as applying to those two bodies respectively, or to one of those two bodies separately, as the case may require.

Appointment of Oxford Commissioners.

2. The following persons shall be the University of Oxford Commissioners:—

The Right Honourable Viscount Chelmsford, G.C.S.I., G.C.M.G., G.C.I.E., G.B.E., Master of Arts;

The Right Reverend Thomas Banks, Lord Bishop of Ripon, G.B.E., Doctor of Divinity;

The Honourable Sidney Cornwallis Peel, Master of Arts;

Sir Archibald Edward Garrod, K.C.M.G., Doctor of Medicine, Fellow of the Royal Society, Regius Professor of Medicine;

David George Hogarth, Esquire, C.M.G., Doctor of Letters;

Emily Penrose, O.B.E., Master of Arts, Principal of Somerville College;

Francis William Pember, Esquire, Doctor of Civil Law, Warden of All Souls College;
The Reverend Francis John Lys, Master of Arts, Provost of Worcester College;
Percy Ewing Matheson, Esquire, Master of Arts;
Charles Robert Mowbray Fraser Cruttwell, Master of Arts, Dean, Tutor, and Lecturer of Hertford College; and
Albert Mansbridge, Esquire, Honorary Master of Arts.

Appointment of Cambridge Commissioners.

3. The following persons shall be the University of Cambridge Commissioners:—

The Right Honourable Viscount Ullswater, G.C.B., Doctor of Laws;
The Right Reverend Bishop Herbert Edward Ryle, K.C.V.O., Doctor of Divinity, Dean of Westminster;
Sir Thomas Little Heath, K.C.B., K.C.V.O., Doctor of Science, Fellow of the Royal Society;
Sir Richard Tetley Glazebrook, K.C.B., Doctor of Science, Fellow of the Royal Society;
Sir Henry Francis Wilson, K.C.M.G., K.B.E., Master of Arts;
Sir Hugh Kerr Anderson, Doctor of Medicine, Fellow of the Royal Society, Master of Gonville and Caius College;
William Spens, C.B.E., Master of Arts, Fellow of Corpus Christi College;
Bertha Surtees Phillpotts, O.B.E., Doctor of Letters, Mistress of Girton College;
Peter Giles, Esquire, Doctor of Letters, Master of Emmanuel College;
William Reginald Rendell, Esquire, Master of Arts, Fellow of Trinity Hall; and
Edward Hugh John Neale Dalton, Esquire, Doctor of Science, Cassel Reader in Commerce in the University of London.

Officers and expenses of Commissioners.

4.—(1) The Commissioners may, with the consent of the Treasury as to number, from time to time employ such persons as they may think necessary for the execution of their duties under this Act.

(2) There shall be paid to any person employed by the Commissioners such remuneration as the Treasury

may determine, and all expenses incurred by the Commissioners in the execution of this Act (including the remuneration aforesaid) shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

Duration of Commissions.

5. The powers of the Commissioners shall continue in force until the end of the year nineteen hundred and twenty-five and no longer:

Provided that His Majesty in Council may, on the application of the Commissioners, continue their powers for such further period as His Majesty may think fit, but not beyond the end of the year nineteen hundred and twenty-seven.

Duties of Commissioners.

6.—(1) Subject to the provisions of this Act, the Commissioners shall, from and after the first day of January, nineteen hundred and twenty-five, make statutes and regulations for the University, its colleges and halls, and any emoluments, endowments, trusts, foundations, gifts, offices, or institutions in or connected with the University in general accordance with the recommendations contained in the Report of the Royal Commission, but with such modifications (not being modifications directly dealing with the curriculum or course of study in the University) as may, after the consideration of any representations made to them, appear to them expedient.

(2) In making any statutes or regulations under this Act, the Commissioners shall have regard to the need of facilitating the admission of poorer students to the Universities and colleges.

Power of Universities and colleges to alter statutes.

7.—(1) After the cesser of the powers of the Commissioners, a statute affecting the University made by the Commissioners or by any other authority, not being a statute made for a college, shall be subject to alteration from time to time by statute made by the University under this Act, but, if and in so far as any such statute (not being a statute prescribing the scale or basis of assessment of the contributions to be made by the colleges to University purposes) affects a college, it shall not be subject to alteration except with the consent of the college.

(2) After the cesser of the powers of the Commissioners, a statute for a college made by the

Commissioners, and any statute, ordinance or regulation made by or in relation to a college under any authority other than that of this Act, shall be subject to alteration from time to time by statute made by the college under this Act and passed at a general meeting of the governing body of the college specially summoned for the purpose by the votes of not less than two-thirds of the number of persons present and voting:

Provided that—

(*a*) notice of any proposed statute for a college shall be given to the University before the statute is submitted to His Majesty in Council; and

(*b*) a statute made for a college which affects the University shall not be altered except with the consent of the University.

(3) The provisions contained in this Act (including the provisions of the Schedule to this Act other than the section numbered thirty-five therein) with respect to the making of statutes by the Commissioners and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and to the effect thereof after approval, shall, with the necessary substitutions, apply to the making of statutes by the University or by a college and to the proceedings to be taken in connection with statutes made by the University or a college, and to the effect of such statutes.

Statutes relating to trusts and college contributions to University purposes.

8.—(1) No statute shall be made under any of the provisions of this Act for altering a trust, except with the consent of the trustees or governing body of the trust, unless sixty years have elapsed since the date on which the instrument creating the trust came into operation, but nothing in this subsection shall prevent the making of a statute increasing the endowment of any emolument or otherwise improving the position of the holder thereof.

(2) In the making of any statute, whether by the Commissioners or by the University, prescribing or altering the scale or basis of assessment of contributions to be made by the colleges to University purposes, regard shall be had in the first place to the needs of the several

colleges in themselves for educational and other collegiate purposes.

Exemption from mortmain. 40 & 41 Vict. c. 48.

9. The exemption from the obligation to obtain a licence in mortmain which is given by section sixty of the Universities of Oxford and Cambridge Act, 1877, in respect of certain purchases of land by the University or a college shall extend, and be deemed always to have extended, to all assurances of land to the University or a college.

Application for purposes of the Act of certain provisions of 40 & 41 Vict. c. 48.

10. The provisions of the Universities of Oxford and Cambridge Act, 1877, shall, as set out with modifications in the Schedule to this Act, apply to the Commissioners appointed under this Act and to their procedure, powers and duties and to any statutes made by them as if they were re-enacted with the said modifications in this Act.

Power to establish superannuation funds for certain university and college employees.

11.—(1) It shall be lawful for the University to make a scheme for establishing a superannuation fund for the benefit of persons in the employment of the University, not being members of its administrative or teaching staff, and for a college to adopt in relation to persons in the employment of the college, not being members of its administrative or teaching staff, any scheme so made.

(2) The provisions of this Act relating to the making of statutes, ordinances and regulations by the University or a college shall not apply to any statutes, ordinances or regulations made for the purposes of this section.

(3) Nothing in this section shall be taken to be in derogation of or to affect the duties of the commissioners or the powers of the University or a college under the foregoing provisions of this Act.

Short title.

12. This Act may be cited as the Universities of Oxford and Cambridge Act, 1923.

SCHEDULE.

Sections 7, 10.

PROVISIONS OF THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT, 1877, APPLIED FOR PURPOSES OF THIS ACT.

2. In this Act— Interpretation.

"The University" means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):

"The Senate" means the Senate of the University of Cambridge:

"College" means a College in the University, and includes the Cathedral or House of Christ Church in Oxford, and also includes Keble College, Oxford, and the Public Hostel known as Selwyn College, Cambridge:

"Hall" means St. Edmund Hall, in the University of Oxford:

"The Governing Body" of a College means, as regards the Colleges in the University of Oxford, except Christ Church and Keble College, the head and all actual fellows of the College, being graduates, and as regards Christ Church, means the dean, canons, and students, and as regards Keble College, means the Council of that College:

"The Governing Body" of a College means, as regards the Colleges in the University of Cambridge, except Downing College and Selwyn College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates, and as regards Selwyn College, the Council of that College:

"Emolument" includes—

(1) A headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, studentship, scholarship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, subsizarship, or other place in the University or a College or the Hall, having attached thereto an income payable out of the revenues of the University or of a College or the Hall, or being a place to be held and enjoyed by a head or other member of a College or the Hall as such, or having attached thereto an income to be so held

and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and

(2) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or the Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or the Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member; and

(3) As regards the University of Oxford a bursary appropriated to any College in Scotland:

"School" means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

"Advowson" includes right of patronage, exclusive or alternate.

Vacancies among Commissioners.

6. If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for His Majesty to appoint a person to fill his place, and so from time to time as regards every person appointed under this section:

Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.

Chairmen and meetings of Commissioners.

8. The Commissioner first named in this Act, as regards each of the two bodies of Commissioners, shall be the Chairman of the respective body of Commissioners; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

Seals of Commissioners.

9. The Commissioners shall have a common seal, which shall be judicially noticed.

Vacancies not to invalidate acts.

10. Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body, but if at any time,

and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

Power for University and Colleges to make statutes.

11. Until the end of the year one thousand nine hundred and twenty-four, the University and the Governing Body of a College shall have the like powers in all respects of making statutes for the University or the College respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act, but every statute so made shall, before the end of that year, be laid before the Commissioners, and the same, if approved before or after the end of that year by the Commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the Commissioners after (but not before) the statute is made, be deemed to be a statute made by the Commissioners.

If within one month after a statute so made by a College is laid before the Commissioners, a member of the Governing Body of the College makes a representation in writing to the Commissioners respecting the statute, the Commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a College, the Commissioners shall have regard to the interests of the University and the Colleges therein as a whole.

Regard to main design of founder.

14. The Commissioners, in exercising their power to make a statute shall have regard to the main design of the founder of any institution or emolument which will be affected by the statute, except where that design has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the institution or emolument have been altered in substance by or under any other Act.

Provision for education, religion, &c.

15. The Commissioners, in making a statute, shall have regard to the interests of education, religion, learning and research, and in the case of a statute which affects a College or the Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes.

Power to allow continuance of voluntary payments.

20. Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the College in connection with the College estates or property.

Distinction of University and College Statutes.

30. A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or the Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or the Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.

If any statute is in part a statute for a College or the Hall, it shall, for the purposes of the provisions of this Act relative to the representation of Colleges and the Hall, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

Communication of proposed statutes for University, &c. to Council, &c.

31. Where the Commissioners contemplate making a statute for the University or a statute for a College or the Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, and to the Head and to the Visitor of the College affected thereby, or to the Principal of the Hall, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

Publication of proposed statutes for Colleges and Halls.

32. Where the Commissioners contemplate making a statute for a College or the Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

Suspension of elections.

33. The Commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the University or any College or the Hall to suspend the election or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners as then ascertained; and

the election or appointment thereto or tenure thereof shall be suspended or limited accordingly.

Saving for existing interest.

34. Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or the Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

Production of documents, &c.

35. The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the University or of a College or the Hall the production of any documents or accounts relating to the University or to the College or Hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

Election of Commissioners by College. For Hall, Principal to be Commissioner.

36. Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or the Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of the Hall to the Principal thereof, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

But, in the case of a College, any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner.

If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election ; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the Principal of the Hall, shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners

for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

Notice to College or Hall of meeting.

37. Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or the Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting.

Validity of acts as regards Colleges and Hall.

38. Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of the Hall, to attend a meeting of the Commissioners.

Submission of statutes to His Majesty in Council.

45. The Commissioners, within one month after making a statute, shall cause it to be submitted to His Majesty in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.

Petition against statute.

46. At any time within eight weeks (exclusive of any University vacation) after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of the Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may petition His Majesty in Council for disallowance of the statute, or of any part thereof.

Reference to Committee.

47. It shall be lawful for His Majesty in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for His Majesty in Council to make from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

Disallowance by Order in Council, or remitting to Commissioners.

48. If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for His Majesty in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for His Majesty in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.

49. If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

Approval of statutes by Order in Council.

50. If neither House of Parliament, within four weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying His Majesty to withhold his consent thereto, it shall be lawful for His Majesty in Council by Order to approve the same.

Statutes to be binding and effectual.

51. Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and on the Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument, or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation, or endowment, or otherwise regulating the University or a College or the Hall.

Power in Cambridge for Chancellor to settle doubts as to mean-

52. If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing

ing of University statutes.

the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registrary of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Statutes awaiting submission to His Majesty in Council, or made before cesser of powers of Commissioners.

56. Every statute, ordinance, and regulation made as follows, namely :—

(1) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act before the passing of this Act, and required by any former Act to be submitted to His Majesty in Council, but not so submitted before the passing of this Act; and

(2) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act after the passing of this Act, and before the cesser of the powers of the Commissioners, and required by any former Act to be submitted to His Majesty in Council; and

(3) Every statute, ordinance, and regulation made by or in relation to a College under any former Act or any ordinance since the first day of January, one thousand nine hundred and twenty-three, and before the passing of this Act,

shall, in lieu of being submitted to His Majesty in Council under and according to any former Act or any ordinance, and whether or not a submission to His Majesty in Council is required under any former Act or any ordinance, be, with the consent of the Commissioners in writing under their seal, but not otherwise, submitted to His Majesty in Council under this Act, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.

Saving for Tests Act. 34 & 35 Vict. c. 26.

57. Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

CHAPTER 34.

An Act to facilitate the advance of money and the grant of credit for certain agricultural purposes, and to amend the Improvement of Land Act, 1864, and for purposes connected therewith.

[31st July 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to Public Works Loan Commissioners to lend money to associations for the purpose of making advances upon certain mortgages. 38 & 39 Vict. c. 89.

1.—(1) At any time within five years after the passing of this Act, and subject to such conditions as the Treasury may prescribe, and up to an aggregate amount approved by the Treasury, the Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875, as amended by this section, lend to any approved association such money as the association may require for the purpose of making advances on mortgages to which this section applies (which mortgages are hereinafter referred to as recognised mortgages), and for recouping to such an association any moneys raised by the association before the passing of this Act for the purpose of making advances on the security of mortgages which were at the date of the advance or have since been varied so as to become recognised mortgages, and may make advances direct to borrowers on recognised mortgages, or at any time take a transfer of any recognised mortgage.

(2) A mortgage shall be deemed to be a recognised mortgage if it complies with the following conditions—

(*a*) the borrower must be a person who has agreed to purchase the land comprised in the mortgage not earlier than the fifth day of April, nineteen hundred and seventeen, nor later than the twenty-seventh day of June, nineteen hundred and twenty-one, or the heir, devisee, or personal representative of such a person;

(*b*) the land comprised in the mortgage must be wholly or mainly agricultural land;

(*c*) the amount secured by the mortgage must not exceed seventy-five per cent. of the value, as ascertained to the satisfaction of the Commissioners, of the land mortgaged at the date when the advance or transfer is made by or to the Commissioners or exceed an amount equal to thirty times the annual value of the land as ascertained at that date for the purposes of Schedule A of the Income Tax Acts;

(*d*) the rate of interest payable on the mortgage must not exceed such rate as the Treasury may prescribe;

(*e*) the amount secured by the mortgage, with interest thereon, must be repayable within a period of sixty years by equal yearly or half-yearly instalments of the principal sum advanced, together with interest on the amount outstanding, or by equal yearly or half-yearly payments of principal and interest combined;

(*f*) the land comprised in the mortgage must be freehold or copyhold land free from any incumbrance affecting it in priority to the mortgage other than a land improvement charge or other charge to which priority is given by Act of Parliament.

(3) An advance by the Commissioners to an approved association may be made upon the security of recognised mortgages effected by the association with or without other security and for an amount equal to the amount secured for the time being by such mortgages, and may be repayable within such period not exceeding sixty years from the date of the advance as may be agreed between the Commissioners and the association.

(4) Any moneys advanced by an approved association upon a recognised mortgage may be advanced at interest payable at such rate per centum per annum as will, after deduction from such interest of the income tax thereon, yield to the association a net rate of interest.

(5) For the purposes of this section, the expression "approved association" means an association which is approved by the Treasury for the purposes of this Act, and which does not trade for profit or by its constitution or otherwise is restricted in relation to the rate of interest on loan capital and the distribution of profits amongst its members so as to comply with regulations made in that behalf by the Treasury, and the expression "person" in the definition of borrower shall, without prejudice to the effect of section nineteen of the Interpretation Act, 1889, include an association registered under the Industrial and Provident Societies Acts, 1893 to 1913, and having for its object, or one of its objects, the provision of small holdings or allotments. 52 & 53 Vict. c. 63.

Organisation of agricultural credit societies.

2.—(1) The Minister of Agriculture and Fisheries (hereinafter referred to as the Minister) shall take such steps as are practicable to promote the formation or extension of agricultural credit societies, that is to say, societies approved by the Minister and registered under the Industrial and Provident Societies Act, 1893, having for their object, or one of their objects, the making of advances to members of the society repayable within a period not exceeding five years for such agricultural purposes as may be approved by the Minister. 56 & 57 Vict. c. 39.

(2) The Minister at any time within three years after the passing of this Act or during such further period as the Treasury may prescribe, may, subject to the provisions of any regulations made by the Treasury, make advances to any such society, but so that the total sum advanced to a society shall not exceed an amount equal to one pound for every one pound share held by members of the society on which a sum of five shillings has been paid.

(3) For the purpose of this section, there shall be opened in such manner as the Treasury may direct an account called "the Agricultural Credits Account," and there shall be paid to that account—

(*a*) such money as may from time to time be provided by Parliament towards defraying the advances and expenses of the Minister directed by this section to be paid out of the Agricultural Credits Account; and

(*b*) all sums received by the Minister in respect of advances made by the Minister under this section.

(4) The advances and expenses of the Minister under this section shall be paid out of the money standing to the credit of the Agricultural Credits Account.

(5) The Minister shall cause an account to be prepared and transmitted to the Comptroller and Auditor-General for examination on or before the thirtieth day of September in every year, showing the sums paid into and the sums issued out of the Agricultural Credits Account in the financial year ending on the thirty-first day of March preceding, and the Comptroller and Auditor-General shall certify and report on the same, and such account and report shall be laid before Parliament on or before the thirty-first day of January in the following year if Parliament be then sitting, and, if Parliament be then not sitting, within one week after Parliament is next assembled.

The Minister shall also cause to be laid before both Houses of Parliament an annual report of his proceedings under this section.

(6) Payments out of and into the Agricultural Credits Account and all other matters relating to the Account, and to the money standing to the credit of the Account, shall be paid and regulated in such manner as the Treasury direct.

(7) The provisions set forth in Part I. of the Schedule to this Act shall apply to every agricultural credit society to which this section applies as if they formed part of the Industrial and Provident Societies Act, 1893, and, if an advance is made to such a society under this section, the provisions set forth in Part II. of that schedule shall also apply to the society so long as any part of the advance remains outstanding.

Amendment of Land Improvement Acts. 27 & 28 Vict. c. 114.

3.—(1) Notwithstanding any provision in the Improvement of Land Act, 1864, which limits the rate of interest payable under a charge created under such Act, the rate of interest under such a charge may be such as the Minister may from time to time authorise.

(2) The foregoing provisions of this section shall apply also to any existing Act of Parliament which authorises a company to execute or advance money for the execution of improvements of agricultural land.

(3) Where an application is made under any such Act for sanction of a charge on any lands in respect of the erection or improvement of a farmhouse or of a cottage for occupation by a person engaged in cultivation of the said lands or any of them, the Minister may, if satisfied that the erection or improvement is required for the proper cultivation of the land, sanction the charge although it may not be shown that the work will effect a direct yearly increase in the value of the lands exceeding the yearly amount proposed to be charged thereon.

(4) The enumeration of improvements contained in section nine of the Improvement of Land Act, 1864, is hereby extended so as to comprise, in relation to any land subject and according to the provisions of that Act, the improvements of land authorised in relation to settled land by the Settled Land Acts, 1882 to 1922, but as respects such of those improvements as are improvements specified in subsection (1) of section sixty-five of the Law of Property Act, 1922, only when the application to the Minister is made after the passing of this Act. 12 & 13 Geo. 5. c. 16.

(5) Section eighteen of the Improvement of Land Act, 1864, in so far as it prohibits without an order of the Court of Session the making of any provisional or other order sanctioning the improvement of land where the landowner is an heir of entail in possession or a liferenter, and where such landowner or the husband of such landowner is the father of the next heir, or heirs, or of a succeeding liferenter or liferenters or of the fiar or fiars, and such heir succeeding liferenter or fiar, or one or more of such heirs succeeding liferenters or fiars, is in minority shall cease to have effect.

Regulations or orders to be laid before the Commons House of Parliament.

4. All regulations or orders made by the Minister or by the Treasury for the purpose of carrying out this Act shall be laid before the Commons House of Parliament as soon as may be after they are made.

Application to Scotland.

5. This Act shall apply to Scotland, subject to the following modifications:—

(*a*) The Board of Agriculture for Scotland shall be substituted for the Minister of Agriculture and Fisheries; the Agricultural Credits (Scotland) Account shall be substituted for the Agricultural Credits Account; "freehold or copyhold

"land" shall mean "land held in fee simple"; "mortgage" shall mean "heritable security"; "devisee" shall include "legatee"; "incumbrance" shall not include a burden or charge incident to tenure;

(*b*) The provisions of the Settled Lands Acts, 1882 to 1922, relating to improvements shall, subject to the restrictions therein contained, have effect in Scotland in so far as necessary to give effect to subsection (4) of section three of this Act.

Short title.

6. This Act may be cited as the Agricultural Credits Act, 1923.

Section 2.

SCHEDULE.

PART I.

PROVISIONS APPLICABLE TO AN AGRICULTURAL CREDIT SOCIETY TO WHICH THIS ACT APPLIES.

1. A society shall not be deemed, for the purposes of the Industrial and Provident Societies Act, 1893 (hereinafter referred to as the Act of 1893), to carry on the business of banking.

2. Section four of the Act of 1893, so far as it provides that no member other than a registered society shall have or claim any interest in the shares of a society exceeding two hundred pounds shall not apply to a society, and the Second Schedule to the Act of 1893 shall apply as if it were modified accordingly.

3. A society shall be exempt from registration under the Moneylenders Act, 1900.

63 & 64 Vict. c. 51.

PART II.

ADDITIONAL PROVISIONS APPLICABLE TO SUCH SOCIETY IF IN RECEIPT OF FINANCIAL ASSISTANCE.

1. The Registrar may under the Act of 1893 cancel the registry of a society on the application of the Minister.

2. The rules of a society shall comprise such rules as the Minister may require for the purposes of this Act and shall not be altered without the consent of the Minister.

3. The books of a society shall be open to inspection by an officer of the Minister.

4. The Registrar on the application of the Minister may, under section eighteen of the Act of 1893, appoint an accountant or actuary to inspect the books of the society and to report thereon, and may, under section fifty of that Act, appoint an inspector to examine into and report on the affairs of a society.

5. Advances to members may be made without any security on real or personal property, and may be of such amount as the society thinks fit, but so that an advance to any member shall not exceed one-tenth part of the share capital of the society for the time being issued, or more than an amount equal to five pounds for every one pound share held by the member on which a sum of five shillings has been paid.

6. A society shall not accept deposits and shall not borrow money without the consent of the Minister.

7. Not more than five shillings shall, without the consent of the Minister, be called up in respect of each pound of the share capital except for the purposes of winding up or dissolving the society.

8. The rules of the society shall provide for the limitation or restriction of the division of the profits of the society by way of dividends or bonus on the share capital of the society in such manner as the Minister may approve.

CHAPTER 35.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and twenty-four, and to appropriate the Supplies granted in this Session of Parliament.

[2nd August 1923.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards

making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £269,381,292 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-four, the sum of two hundred and sixty-nine million three hundred and eighty-one thousand two hundred and ninety-two pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and sixty-nine million three hundred and eighty-one thousand two hundred and ninety-two pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-four, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Appropriation of Grants.

3. All sums granted by this Act and the other Act mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four hundred and forty-one million seven hundred and seventy-four thousand and ninety pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto. Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule. 54 & 55 Vict. c. 24.

4.—(1) So long as the aggregate expenditure on naval and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course. Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy expenditure for 1921–1922 unprovided for. 11 & 12 Geo. 5. cc. 46 and 63.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1921, surpluses arising on certain votes for the navy services have been applied as shown in the account set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said account is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of seven calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1923.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

Section 3.

	£	*s.*	*d.*
Grants out of the Consolidated Fund -	441,774,090	0	0

SCHEDULE (B.)—Appropriation of Grants.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1922–1923.						
Part 1. Civil Services (Supplementary), 1922–1923 -	£ 1,209,098	*s.* 0	*d.* 0	£ 130,750	*s.* 0	*d.* 0
1923–1924.						
Part 2. Navy - - - -	58,000,000	0	0	3,401,165	0	0
„ 3. Army - - - -	52,000,000	0	0	9,200,000	0	0
Army (Ordnance Factories) - - -	100	0	0	3,715,900	0	0
„ 4. Air - - - -	12,011,000	0	0	6,594,000	0	0
£	122,011,100	0	0	22,911,065	0	0
Part 5. Civil Services, Class I. -	7,515,015	0	0	975,490	0	0
„ 6. Civil Services, Class II. -	10,824,477	0	0	15,176,873	0	0
„ 7. Civil Services, Class III. -	11,902,761	0	0	1,682,496	0	0
„ 8. Civil Services, Class IV. -	49,902,435	0	0	2,815,930	0	0
„ 9. Civil Services, Class V. -	16,506,078	0	0	606,030	0	0
Carried forward - £	96,650,766	0	0	21,256,819	0	0

SCHEDULE (B.)—APPROPRIATION OF GRANTS—*cont.*

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Brought forward -	96,650,766	0	0	21,256,819	0	0
Part 10. Civil Services, Class VI. -	102,678,886	0	0	1,259,783	0	0
„ 11. Civil Services, Class VII. -	38,446,789	0	0	4,536,719	0	0
„ 12. Civil Services, Unclassified	18,312,730	0	0	6,731,540	0	0
TOTAL CIVIL SERVICES - £	256,089,171	0	0	33,784,861	0	0
Part 13. Revenue Departments, &c. -	62,464,721	0	0	2,222,940	0	0
GRAND TOTAL - £	441,774,090	0	0	59,049,616	0	0

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

For the service of the year ended on the 31st day of March 1923 :—	£	*s.*	*d.*
Under Act 13 Geo. 5. c. 1 - - -	1,209,098	0	0
For the service of the year ending on the 31st day of March 1924 :—			
Under Act 13 Geo. 5. c. 1 - - -	171,183,700	0	0
Under this Act - - - - -	269,381,292	0	0
TOTAL - - - -	441,774,090	0	0

SCHEDULE (B.)—Part 1.

Sched. (B.) Part 1.

Civil Services (Supplementary), 1922–1923.

Civil Services (Supplementary), 1922–1923.

Schedule of Supplementary Sums granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1923, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES.		
Class I.	£	£
For expenditure in respect of the royal parks and pleasure gardens - -	25,000	—
For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes -	10	—
Class II.		
For the salaries and expenses of the Registry of Friendly Societies, England - - - - - -	5,250	— 5,250*
Class V.		
For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote including a grant-in-aid, certain special grants, the transport and relief of refugees in the Near East and the possible evacuation of British subjects from Constantinople - - - - -	10	136,000
For sundry Colonial Services including certain grants-in-aid - - - -	32,000	—
For sundry Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain grants-in-aid - - -	813,000	—
Carried forward - £	875,270	130,750

* Deficit.

SCHED. (B.) PART 1. Civil Services (Supplementary), 1922–1923.

SCHEDULE (B.)—PART 1—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL SERVICES—*cont.*		
Brought forward - -	875,270	130,750
CLASS V.—*cont.*		
To make good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1921–22 -	6,828	—
CLASS VI.		
For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand - - -	11,000	—
For certain expenses incurred in connection with the purchase and importation of coal during the stoppage in the Coal Mining Industry in 1921	9,000	—
UNCLASSIFIED SERVICES.		
For claims in connection with ships or cargoes condemned as Naval Prize or detained - - - - - -	200,000	—
For the cost of certain Miscellaneous War Services - - - - - -	107,000	—
Total Civil Services - -	1,209,098	130,750

SCHEDULE (B.)—Part 2.

Sched. (B.) Part 2.

NAVY.

Navy.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For wages, &c., to 100,923 officers, seamen, and boys, coastguard, and royal marines - - -	14,055,700	60,720
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	4,742,500	1,023,543
3.	For medical services, including the cost of medical establishments at home and abroad - - -	516,000	27,538
4.	For civilians employed on fleet services - - - - - -	194,900	1,323
5.	For educational services - -	353,000	46,949
6.	For scientific services - - -	435,800	66,196
7.	For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. -	572,800	8,042
	Carried forward - £	20,870,700	1,234,311

SCHED. (B.) PART 2. Navy.

SCHEDULE (B.)—PART 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	20,870,700	1,234,311
No. 8. Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	6,694,000	67,010
„ Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	5,988,200	1,630,000
„ Sect. 3. For contract work for shipbuilding, repairs, &c. - -	5,031,450	99,010
9. For naval armaments - - -	5,344,900	148,397
10. For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith - - - - - -	3,832,850	75,000
11. For various miscellaneous effective services - - - - -	1,059,600	72,000
12. For the Admiralty Office - -	1,280,400	3,610
13. For non-effective services (naval and marine)—officers - -	2,844,900	21,623
14. For non-effective services (naval and marine)—men - - -	4,260,800	49,990
15. For civil superannuation, compensation allowances, and gratuities	792,200	214
TOTAL NAVY SERVICES - £	58,000,000	3,401,165

SCHEDULE (B.)—Part 3.

Sched. (B.) Part 3. Army.

ARMY.

Schedule of estimated gross and net expenditure in respect of Army Services in respect of the year ending on the 31st day of March 1924; and of the sums granted, and the sums which may be applied as appropriations in aid in addition thereto, to defray the charges which will come in course of payment during that year in respect of the said services, and of the liabilities outstanding on the first day of the said year:—

Heads.	Sums not exceeding		
	Gross.	Receipts.	Net.
Head.	£	£	£
I. Maintenance of Standing Army -	28,361,600	229,600	28,132,000
II. Territorial Army and Reserve Forces - - - - -	7,220,100	20,100	7,200,000
III. Educational, &c., Establishments and Working Expenses of Hospitals, Depôts, &c. - -	8,081,200	665,200	7,416,000
IV. War Office, Staff of Commands, &c. - - - - - -	2,697,250	6,250	2,691,000
V. Capital Accounts - - -	*Cr.292,250*	1,583,750	*Cr.1,876,000*
VI. Terminal and Miscellaneous Charges and Receipts - -	6,914,100	4,932,100	1,982,000
VII. Half Pay, Retired Pay, Pensions, and Civil Superannuation -	8,649,500	1,131,500	7,518,000
Total - - - £	61,631,500	8,568,500	53,063,000
Repayment by the Colonial Office for expenditure (included above) in the Middle East - - - - -	—	553,000	*Cr. 553,000*
Grand Total - £	61,631,500	9,121,500	52,510,000

SCHED. (B.) PART 3. Army.

SCHEDULE (B.)—PART 3—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Estimated Cash required for Army Services in 1923–24 - - -	52,000,000	—
Estimated Receipts to be appropriated in Aid of Army Services in 1923–24 - - - - - -	—	9,200,000
ARMY (ORDNANCE FACTORIES).		
For the Ordnance Factories, the cost of the production of which will be charged to the Army, Navy, Air Force, &c. - - - - - -	100	3,715,900

SCHED. (B.) PART 4. Air.

SCHEDULE (B.)—PART 4.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c. of 33,000 of all ranks of the Air Force - -	3,508,000	1,862,000
2.	For the quartering, stores (except technical), supplies, and transport of the Air Force - -	1,351,000	1,563,000
3.	For technical and warlike stores of the Air Force (including experimental and research services) -	3,870,000	1,724,000
	Carried forward - £	8,729,000	5,149,000

SCHEDULE (B.)—PART 4—*continued.*

SCHED. (B.) PART 4. Air.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	8,729,000	5,149,000
No.		
4. For works, buildings, repairs, and lands of the Air Force, including civilian staff, and other charges connected therewith - - -	1,799,000	1,374,000
5. For the Air Ministry - - -	648,000	1,000
6. For the meteorological and miscellaneous effective services of the Air Force - - - - -	179,000	53,000
7. For auxiliary and reserve forces of the Air Force - - - - -	238,000	1,000
8. For Civil Aviation - - -	287,000	14,000
9. For rewards, half-pay, retired pay, widows' pensions, and other non-effective services of the Air Force	131,000	2,000
TOTAL AIR SERVICES £	12,011,000	6,594,000

SCHEDULE (B.)—PART 5.

SCHED. (B.) PART 5.

CIVIL SERVICES.—CLASS I.

Civil Services. Class I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.		
1. For expenditure in respect of royal palaces, including a grant in aid	£ 108,965	£ 9,400
2. For expenditure in respect of Osborne - - - - -	16,425	5,100
Carried forward - £	125,390	14,500

SCHED. (B.) PART 5. Civil Services. Class 1.

SCHEDULE (B.)—PART 5—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	125,390	14,500
3.	For expenditure in respect of the royal parks and pleasure gardens	227,600	27,900
4.	For expenditure in respect of the Houses of Parliament buildings -	89,875	300
5.	For expenditure in respect of miscellaneous legal buildings, Great Britain - - - - - -	78,450	900
6.	For expenditure in respect of Art and Science buildings, Great Britain - - - - - -	344,550	5,200
7.	For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad - -	258,050	5,100
8.	For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad -	1,241,450	15,500
9.	For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health) - - - - -	617,575	21,500
10.	For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - - -	2,146,100	126,850
10A.	For expenditure in respect of the erection of houses by the Office of Works on behalf of Local Authorities proceeding with assisted Housing Schemes approved by the Ministry of Health in accordance with the provisions of the Housing, Town Planning, &c. Act, 1919 - - - -	10	395,990
	Carried forward - £	5,129,050	613,740

SCHEDULE (B.)—PART 5—*continued.*

SCHED. (B.) PART 5. Civil Services Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	5,129,050	613,740
No.		
10B. For expenditure in respect of Housing schemes under the management of the Office of Works - - - - - -	198,650	210,000
10C. For the erection of memorials to the memory of the late Right Honourable Joseph Chamberlain, M.P., the late Field-Marshal Earl Kitchener, and the late Field-Marshal Earl Roberts - -	17,040	—
10D. For a contribution to the cost of the Improvement of the Approach to the Mall - - - - -	8,500	—
11. For the expenses of the survey of Great Britain, and for minor services connected therewith -	177,110	80,650
12. For the expenses of constructing a new harbour of refuge at Peterhead - - - - - -	25,000	—
13. For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government Property Department, and for a contribution towards the expenses of the London Fire Brigade - -	1,763,785	69,600
14. For expenditure in respect of public works and buildings in Ireland - - - - - -	195,880	1,500
TOTAL CIVIL SERVICES, CLASS I. £	7,515,015	975,490

SCHED. (B.) PART 6.

SCHEDULE (B.)—PART 6.

Civil Services. Class II.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords - - - - - -	58,170	1,000
2.	For the salaries and expenses of the House of Commons - -	330,783	14,000
3.	For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - - -	324,952	17,444
4.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices - - - - - -	365,969	50,135
5.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs, including the News Department - - - - - -	203,707	96,657
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies - - - - - -	163,329	—
	Carried forward - £	1,446,910	179,236

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.) PART 6. Civil Services. Class II.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward -	1,446,910	179,236
7.	For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid	120,000	—
8.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council -	11,297	4,500
9.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War, and grants in aid -	1,032,548	2,449,175
10.	For the salaries and expenses of the Department of Overseas Trade - - - - -	299,960	90,300
11.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including a Coast Watching Force, General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities - - -	503,552	296,468
12.	For meeting the deficiency of income from fees, &c., for the requirements of the Board of Trade, under the Bankruptcy Act, 1914	10	167,048
13.	For the salaries and expenses of the Mines Department of the Board of Trade - - - -	162,727	4,420
	Carried forward - £	3,577,004	3,191,147

SCHED. (B.) PART 6. Civil Services. Class II.

SCHEDULE (B.)—PART 6—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,577,004	3,191,147
No.		
14. For the salaries and expenses of the Ministry of Agriculture and Fisheries, including grants for Agricultural Education and Research, a grant in aid of the Small Holdings Account, and certain other grants in aid; and of the Royal Botanic Gardens, Kew -	1,764,451	575,403
15. For a grant in aid of the Forestry Fund - - - - - -	163,000	—
16. For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, expenses of the Railways Amalgamation Tribunal and the Railway Rates Tribunal under the Railways Act, 1921, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, and advances to Caledonian and Crinan Canals - -	123,355	126,260
17. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	42,966	—
18. For the salaries and expenses of the Department of the Government Chemist - - - - -	48,605	—
19. For the salaries and expenses of the Civil Service Commission -	68,521	—
20. For the salaries and expenses of the department of the Comptroller and Auditor General -	153,100	6,429
21. For the salaries and expenses of the Registry of Friendly Societies	43,445	5,250
Carried forward - £	5,984,447	3,904,489

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.) PART 6. Civil Services. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	5,984,447	3,904,489
22.	For the salaries and expenses of the department of the Government Actuary - - - -	33,746	—
23.	For the salaries and expenses of the Board of Control (Lunacy and Mental Deficiency), England -	479,396	8,061
24.	For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	950,000	9,413,000
25.	For the salaries and expenses of the National Debt Office - -	18,035	14,640
26.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - -	38,001	—
27.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners -	10	20,008
28.	For the salaries and expenses of the department of the Registrar General of Births, &c., including the expense of the Census of England and Wales, 1921 - -	107,385	20,500
29.	For the salaries and expenses of the State Management Districts, including the salaries of the central office and the cost of acquisition and management of licensed premises - - -	100	819,825
30.	For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates -	1,644,592	810,000
	Carried forward - £	9,255,712	15,010,523

SCHED. (B.) PART 6. Civil Services. Class II.

SCHEDULE (B.)—PART 6—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	9,255,712	15,010,523
31.	For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues, including bonus to Commissioner - - - - -	32,075	—
32.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - -	557,080	43,000
33.	For His Majesty's foreign and other secret services - - - -	200,000	—
34.	For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for steamer services to the Hebrides; and grants in respect of unemployment schemes - - - -	166,821	6,180
35.	For the salaries and expenses of the Board of Agriculture for Scotland, including grants for agricultural education and training, certain grants in aid and certain services arising out of the war - - - - -	331,242	45,125
36.	For the salaries and expenses of the Fishery Board for Scotland, and for a grant in aid of piers or quays - - - - -	46,679	10,995
37.	For the salaries and expenses of the General Board of Control for Scotland - - - -	66,474	550
	Carried forward - £	10,656,083	15,116,373

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.) PART 6. Civil Services. Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	10,656,083	15,116,373
No. 38. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland, including the expenses of the Census of Scotland, 1921 -	19,679	1,500
39. For the salaries and expenses of the Irish Department (Home Office and Colonial Office); certain outstanding expenses in connection with the Royal Irish Constabulary; and some *ex gratia* grants awarded in respect of damage to property sustained during the rebellion in Ireland in 1916 -	90,945	59,000
40. For certain Northern Ireland services - - - - -	55,042	—
41. For the salaries and expenses of the office of the Lord Privy Seal	2,728	—
TOTAL CIVIL SERVICES, CLASS II. - £	10,824,477	15,176,873

SCHED. (B.) PART 7.

SCHEDULE (B.)—PART 7.

Civil Services. Class III.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	249,798	45,000
2.	For certain miscellaneous legal expenses, for the salaries and expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, for the salaries and expenses of the War Compensation Court under the Indemnity Act, 1920, and for a grant in aid of the expenses of the Incorporated Law Society of England - - - -	63,098	—
3.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and the salaries and expenses of Pensions Appeals Tribunals -	537,534	125,960
	Carried forward . £	850,430	170,960

SCHEDULE (B.)—PART 7—*continued.*

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward -	850,430	170,960
4.	For the salaries and expenses of the office of Land Registry -	91,674	—
5.	For the salaries and expenses of the office of Public Trustee -	10	312,420
6.	For the salaries and expenses connected with the County Courts including bonus to County Court Judges - - - - - -	84,442	525,000
7.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the Inspectors of Constabulary, and other Grants in respect of Police Expenditure, including places of detention and a grant in aid of the Police Federation - -	6,160,591	180
8.	For the expenses of the prisons in England and Wales, including a grant in aid of certain expenses connected with Discharged Prisoners - - - - -	1,142,935	336,000
9.	For the salaries and expenses of the office of the Inspector of Reformatories and for grants in respect of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, in auxiliary homes in England and Wales, and whilst under supervision - - -	397,687	30,120
	Carried forward - £	8,727,769	1,374,680

SCHED. (B.) PART 7. CivilServices. Class III.

SCHEDULE (B.)—PART 7—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	8,727,769	1,374,680
No. 10. For the expense of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	77,108	4,811
11. For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - - - - - -	119,522	107,000
12. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - -	11,099	....
13. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - - -	75,745	—
14. For grants in respect of Police Expenditure and for a grant in aid of the Police Federation in Scotland - - - - - -	750,200	—
15. For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics, and including a grant in aid of certain expenses connected with discharged prisoners - - - - - -	182,173	27,455
Carried forward - £	9,943,616	1,513,946

SCHEDULE (B.)—PART 7—*continued.*

SCHED. (B.) PART 7. Civil Services. Class III.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	9,943,616	1,513,946
16.	For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - - -	91,766	4,500
17.	For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses	45,864	500
18.	For the salaries and expenses of the office of the Irish Land Commission in Northern Ireland, including the payment of Land Purchase Annuities in Northern Ireland and the expenses of certain Land Purchase Services in the Irish Free State reserved as an imperial liability - -	1,821,515	163,550
	TOTAL CIVIL SERVICES, CLASS III. £	11,902,761	1,682,496

SCHED. (B.) PART 8.

SCHEDULE (B.)—PART 8.

CivilServices. Class IV.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - -	41,934,047	2,324,880
2. For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - -	291,816	18,425
3. For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures -	31,027	6,040
4. For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - -	7,649	1,095
5. For the salaries and expenses of the Wallace Collection - - -	11,312	2,375
6. For the salaries and expenses in respect of the London Museum, Lancaster House - - -	4,756	1,050
7. For the salaries and expenses of the Imperial War Museum - -	15,450	1,100
Carried forward - £	42,296,057	2,354,965

SCHEDULE (B.)—PART 8—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	42,296,057	2,354,965
8.	For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	196,471	—
9.	For the salaries and expenses of the Department of Scientific and Industrial Research, the Fuel Research Board, the Geological Survey of Great Britain, the Museum of Practical Geology, including a grant in aid, and the National Physical Laboratory -	276,863	121,730
10.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and of the expenses under the Welsh Intermediate Education Act, 1889 - - - -	1,199,200	—
11.	For public education in Scotland, and for Science and Art in Scotland, including a grant in aid -	5,922,995	338,950
12.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - -	10,849	285
	TOTAL CIVIL SERVICES, CLASS IV. - - - - £	49,902,435	2,815,930

SCHED. (B.) PART 9.

SCHEDULE (B.)—PART 9.

Civil Services Class V.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote, including a grant in aid of the British School in Cairo and certain special grants - -	1,231,965	596,030
2.	For sundry colonial services, including certain grants in aid (including a supplementary sum of 3,750,000*l.*) - - - - -	5,294,223	—
3.	For the expenses connected with Oversea Settlement, including certain grants in aid and expenses arising out of the Empire Settlement Act, 1922, and the Free Passage Scheme for ex-service men and women - - - -	1,206,200	10,000
4.	For sundry Middle Eastern services under His Majesty's Secretary of State for the Colonies including certain grants in aid (including a supplementary sum of 5,000*l.*)	8,673,500	—
5.	For a subsidy to the West India and Panama Telegraph Company	8,000	—
6.	For a grant in aid of the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice and a grant in aid of the Epidemics Fund - - -	92,190	—
	TOTAL CIVIL SERVICES, CLASS V. - - - - - £	16,506,078	606,030

SCHEDULE (B.)—Part 10.

Sched. (B.) Part 10.

CIVIL SERVICES.—Class VI.

Civil Services. Class VI.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury, and under the Government of Ireland Act, 1920, by the Civil Service Committee; and for the salaries of medical referees - - - - - -	1,427,297	112,233
2.	For the expenses of pensions, compensation allowances, and gratuities awarded to retired and disbanded members of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra statutory payments - -	922,424	1,000,000
3.	For Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - - - -	23,200,000	5,000
	Carried forward - £	25,549,721	1,117,233

SCHED. (B.) PART 10. CivilServices. Class VI.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	25,549,721	1,117,233
No.		
4. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, and the War Pensions Acts, 1915 to 1921 - - - - - -	73,655,246	125,000
5. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants, and the administrative expenses connected therewith - - -	492,819	—
6. For certain miscellaneous expenses, including certain grants in aid and bonus on certain statutory salaries - - - - -	4,178	17,550
7. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand	95,000	—
8. For the salaries and expenses of the National Savings Committee	82,550	—
9. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 10th May 1917 - - - -	769,000	—
10. For making good certain sums written off from the assets of the Local Loans Fund, together with certain sums due in respect of advances in Northern Ireland -	100,200	—
Carried forward - £	100,748,714	1,259,783

SCHEDULE (B.)—PART 10—*continued.*

SCHED. (B.) PART 10. Civil Services. Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	100,748,714	1,259,783
No. 11. For expenses under the Representation of the People Act, 1918 -	315,000	—
12. For a grant in aid of the Government Hospitality Fund - -	20,000	—
13. For a grant-in-aid of the Development Fund - - - - -	250,000	—
14. For expenditure in connection with ex-service officers and men in Ireland, including grants for education and resettlement; pensions appeals tribunals; and a grant-in-aid to the Irish Sailors and Soldiers Land Trust - -	1,203,772	—
15. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - -	141,400	—
TOTAL CIVIL SERVICES, CLASS VI. £	102,678,886	1,259,783

SCHED. (B.) PART 11.

SCHEDULE (B.)—PART 11.

CivilServices. Class VII.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid
		£	£
1.	For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1922, certain grants in aid, and certain special services arising out of the war - - - -	19,504,210	295,095
2.	For the salaries and expenses of the Scottish Board of Health, including grants and other expenses in connection with Housing, grants to local authorities, &c., sundry contributions and grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1922, certain grants in aid, and certain special services arising out of the war - -	2,493,730	61,965
	Carried forward - £	21,997,940	357,060

SCHEDULE (B.)—PART II—*continued.*

SCHED. (B.) PART II. Civil Services. Class VII.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward -	21,997,940	357,060
3.	For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the contributions to the Unemployment Fund, and to special schemes and payments to associations for administration under the Unemployment Insurance Acts; expenditure in connection with the training of demobilised officers, non-commissioned officers and men and nurses; grants for resettlement in civil life; and the expenses of the Industrial Court; also expenses in connection with the International Labour Organisation (League of Nations) including a grant-in-aid - - - - - - -	16,187,005	4,176,634
4.	For the salaries and expenses of the audit staff under the National Insurance Act, 1911 - - -	171,590	3,025
5.	For making good the deficiency on the Income Account of the Fund for Friendly Societies -	6,254	—
6.	For special grants to Voluntary Hospitals to assist in meeting deficiencies in income - -	84,000	—
	TOTAL CIVIL SERVICES, CLASS VII. - £	38,446,789	4,536,719

SCHED. (B.) PART 12.

SCHEDULE (B.)—PART 12.

UNCLASSIFIED SERVICES.

UNCLASSIFIED SERVICES.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For grants to local authorities, &c., in Great Britain for assistance in carrying out approved schemes of useful work to relieve unemployment - - - - -	850,000	—
2.	For relief arising out of unemployment, including a grant-in-aid -	1,750,000	—
3.	To provide for advances in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom or guarantees in connection therewith - - - - - -	250,000	200,000
4.	For compensation for criminal injuries, including advances on account of prospective awards, and medical and nursing expenses of crown employees who have been maliciously injured, also for the payment of grants to refugees from Ireland for the Relief of Distress - - -	3,075,010	10
5.	For grants-in-aid of the revenues of the Government of Northern Ireland, including compensation for damages arising out of the disturbed condition of Ireland -	2,450,000	—
	Carried forward - £	8,375,010	200,010

SCHEDULE (B.)—PART 12—*continued.*

SCHED. (B.) PART 12. Unclassified Services.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward - -	8,375,010	200,010
6.	For the salaries and expenses of the Disposal and Liquidation Commission - - - - -	1,300,000	1,450,000
7.	For the salaries and expenses in connection with Shipping Liquidation - - - - -	2,000,000	5,045,000
8.	For expenditure arising from the Government control of railways and canals in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16, and Defence of the Realm (Consolidation) Regulations, 9 H. -	1,965,220	36,530
9.	To provide for the deficiency arising under the Coal Mines Control Agreement (Confirmation) Act, 1918, and for payments to the Coal Mines (Emergency) Act Account under the Coal Mines Emergency Act, 1920, and the Coal Mines (Decontrol) Act, 1921	1,500,000	—
10.	For claims in respect of ships or cargoes condemned as naval prize or detained - - - - -	50,000	—
11.	For a subvention in aid of wages in the coal mining industry -	2,500	—
12.	For grants in respect of compensation for suffering and damage by enemy action - - -	2,600,000	—
13.	Trinity College, Dublin, Grant-in-Aid - - - - - -	20,000	—
14.	For a grant in aid of Agricultural Credits - - - - - -	500,000	—
	TOTAL UNCLASSIFIED CIVIL SERVICES £	18,312,730	6,731,540

SCHED. (B.) PART 13.

SCHEDULE (B.)—PART 13.

Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1924; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs and Excise Department - - - - - -	5,009,000	203,000
2.	For the salaries and expenses of the Inland Revenue Department	6,582,211	33,000
3.	For the salaries and expenses of the Post Office, including Telegraphs and Telephones (including a supplementary sum of 10*l.*) -	50,873,510	1,986,940
	TOTAL REVENUE DEPARTMENTS - £	62,464,721	2,222,940

SCHEDULE (C.)

SCHED. (C.) NavyServices Section 5.

Number of Vote.	NAVY SERVICES, 1921–22. VOTES.	Surpluses.			Deficits made good from Surpluses.		
		£	*s.*	*d.*	£	*s.*	*d.*
1	Wages, &c., of Officers, Seamen, and Boys, Coast Guard, and Royal Marines - - -	—			161,859	3	7
2	Victualling and Clothing for the Navy - - -	1,201,519	2	9	—		
3	Medical Establishments and Services - - -	76,765	7	9	—		
4	Civilians employed on Fleet Services - -	—			91,243	7	4
5	Educational Services -	59,907	19	0	—		
6	Scientific Services - -	89,424	16	2	—		
7	Royal Naval Reserves -	120,544	5	2	—		
8	Shipbuilding, Repairs, Maintenance, &c.:						
	I. Personnel - -	1,155,411	14	7	—		
	II. Matériel - -	3,247,729	7	7	—		
	III. Contract Work -	811,863	10	3	—		
9	Naval Armaments - -	672,532	6	11	—		
10	Works, Buildings, and Repairs, at Home and Abroad - - - -	1,100,115	1	7	—		
11	Miscellaneous Effective Services - - -	—			713,513	18	4
12	Admiralty Office - -	—			27,841	6	4
13	Half Pay and Retired Pay	68,299	7	1	—		
14	Naval and Marine Pensions, Gratuities, and Compassionate Allowances -	122,131	17	6	—		
15	Civil Superannuation, Compensation Allowances, and Gratuities -	—			203,993	8	0
—	Amount written off as irrecoverable - -	—			69,934	19	11
	Total - - - -	8,726,244	16	4	1,268,386	3	6
	Net Surplus - -	£7,457,858 12 10					

CHAPTER 36.

An Act to amend the Dentists Act, 1921.

[2nd August 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of s. 3 of Dentists Act, 1921. 11 & 12 Geo. 5. c. 21.

1. Section three of the Dentists Act, 1921 (which confers on certain persons the right to be admitted to the dentists register), shall be extended so as to require the Dental Board to admit to the dentists register any person who—

(1) makes an application in that behalf within six months from the commencement of this Act or, in the case of any person as respects whom the Board are satisfied that there were valid reasons for the failure to make an application within the said period of six months, within such further period not exceeding six months as the Board may allow; and

(2) satisfies the Board that he—

(*a*) is of good personal character; and

(*b*) had, before the date of the eleventh day of November, nineteen hundred and twenty-one, attained the age of twenty-one years; and

(*c*) served during the late war in His Majesty's forces; and

(*d*) was at the date aforesaid engaged, as his principal means of livelihood, in the practice of dentistry in the British Islands; and

(3) within such period, not being less than two years, from the commencement of this Act, as the Board may allow, passes the prescribed examination.

Short title. 41 & 42 Vict. c. 33.

2. This Act may be cited as the Dentists Act, 1923, and this Act and the Dentists Acts, 1878 and 1921, may be cited together as the Dentists Acts, 1878 to 1923.

CHAPTER 37.

An Act to continue certain expiring laws.

[2nd August 1923.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire as respects the Acts mentioned in Parts I. and II. of that schedule on the thirty-first day of December, nineteen hundred and twenty-three, and the thirty-first day of March, nineteen hundred and twenty-four, respectively, and as respects the Act mentioned in Part III. of that schedule on the eighth day of September, nineteen hundred and twenty-three, and as respects the Acts mentioned in Part IV. of that schedule on the thirty-first day of March, nineteen hundred and twenty-four:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Parts I. and II. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-four, and shall then expire, unless further continued.

(2) The Act mentioned in Part III. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the eighth day of September, nineteen hundred and twenty-four, and shall then expire, unless further continued.

(3) The Acts mentioned in Part IV. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-five, and shall then expire, unless further continued.

(4) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like

manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1923.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland.

Section 1.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(3) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	——
(4) 7 Edw. 7. c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, section two.	——
(5) 1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section forty-two -	3 & 4 Geo. 5. c. 37. 4 & 5 Geo. 5. c. 57. 4 & 5 Geo. 5. c. 81. 7 & 8 Geo. 5. c. 62. 10 & 11 Geo. 5. c. 10.
(6) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	——
(7) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(8) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 & 11 Geo. 5. c. 5.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (*a*); Sections six, seven, nine, and twelve; Section thirteen, except subsection (6); Sections fourteen, twenty-one and twenty-two, and subsection (1) of section twenty-four.	11 & 12 Geo. 5. c. 12.
(10) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act -	11 & 12 Geo. 5. c. 12.
(11) 7 & 8 Geo. 5. c. 19.	The Coroners (Emergency Provisions) Act, 1917.	The whole Act -	12 & 13 Geo. 5. c. 2.
(12) 8 & 9 Geo. 5. c. 23.	The Juries Act, 1918	Section seven -	12 & 13 Geo. 5. c. 2.
(13) 9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section twenty-five.	12 & 13 Geo. 5. c. 16.
(14) 9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section twenty-two.	——
(15) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(16) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5. c. 52.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(17) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revoking in whole or in part, of Parts I. and III. of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.	——
(18) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(19) 10 & 11 Geo. 5. c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act -	11 & 12 Geo. 5. c. 60.
(20) 11 & 12 Geo. 5. c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.	——
(21) 12 & 13 Geo. 5. c. 22.	The Summer Time Act, 1922.	The whole Act.	——

PART II.

(22) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5. c. 14.

PART III.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(23) 10 & 11 Geo. 5. c. 29.	The Overseas Trade (Credits and Insurance) Act, 1920.	As to the powers of the Board of Trade with respect to the granting of credits and the giving of new guarantees.	11 & 12 Geo. 5. c. 26. 11 & 12 Geo. 5. c. 65. 13 Geo. 5. (Sess. 2) c. 4.

PART IV.

(24) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13.
(25) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 49.

CHAPTER 38.

An Act to amend the law relating to the education of children who are receiving education in an area other than that to which they belong.

[2nd August 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Contributions in respect of children not belonging to area in which they attend school. 11&12Geo.5. c. 51.

1.—(1) Where in England or Wales children who are resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse or boarded out by the guardians, or resident in a charitable institution, attend as day scholars a public elementary school or a school certified by the Board of Education under Part V. of the Education Act, 1921, maintained by a local education authority for elementary education of an area other than the area to which the children belong, the local education authority of the area to which the children belong shall, if required so to do by the local education authority of the area in which the children are educated, pay to that authority in respect of each such child during the period of attendance—

(*a*) in the case of a child attending a public elementary school (not being a school so certified), a sum calculated by reference to the average net cost, falling to be met from the rates, in the last preceding financial year of educating children in public elementary schools in the last-mentioned area; and

(*b*) in the case of a child attending a school so certified, a sum calculated by reference to the average net cost, falling to be met from the rates, in the last preceding financial year of educating children in schools in the last-mentioned area of the same type as the school which the child attends.

(2) For the purposes of this section, a child who is resident in a workhouse or in an institution to which he has been sent by the guardians from a workhouse or boarded out by the guardians shall be deemed to belong to the area in which his place of settlement is situated, and a child resident in a charitable institution shall be deemed to belong—

(i) to the area in England and Wales in which he last resided for a continuous period of six months otherwise than in a charitable institution; or

(ii) if it cannot be ascertained that he has so resided in any area for six months, the area, being an area in England and Wales, in which he was born; or

(iii) if the Board of Education are of opinion that the area to which he belongs cannot be ascertained under paragraphs (i) and (ii), such area as the Board of Education may determine having regard to all the circumstances of the case.

(3) The guardians or the managers of the charitable institution, as the case may be, shall furnish to the local education authority of the area in which the children are educated such information as may be necessary in order to enable that authority to determine for the purposes of this section to what area children educated in public elementary schools or schools certified under Part V. of the Education Act, 1921, belong.

(4) For the purposes of this section, a charitable institution shall include any place in which persons are boarded and lodged from motives of charity, but shall not include any place in which less than twelve children between the ages of five and fourteen are so boarded and lodged.

(5) If any question arises as to the amount payable under this section, or as to the area to which a child resident in a charitable institution belongs, or as to whether a child is resident in a charitable institution within the meaning of this section, that question shall be referred to the Board of Education and the decision of the Board shall be final.

(6) Any sum payable under this section shall be recoverable as a debt due to the authority to whom it is payable, and the Board of Education may, if they think fit, without prejudice to any other remedy on the part of that authority, pay any such sum to the authority to whom it is payable and deduct any sums so paid from any sums payable to the authority by whom it is payable on account of Parliamentary Grants.

(7) No sum shall be payable under this section unless a claim for payment is made within two years after the end of the financial year during which the attendances on which the claim is based were made.

Contributions in respect of children attending schools certified under Part V. of Act of 1921.

2.—(1) Nothing in Part V. of the Education Act, 1921, shall be construed as imposing a duty on a local education authority to receive as boarders in a boarding school provided by them and certified under that part of that Act—

(*a*) children who are resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse or boarded out by such guardians;

(*b*) children who belong to the area of another local education authority;

unless the guardians or the other local education authority, as the case may be, are willing to contribute towards the expense of the education and maintenance of the children such sum as may be agreed on between the authorities concerned.

(2) For the purposes of this section, the question to what area a child belongs shall be determined in the manner in which under the last preceding section the question to what area a child resident in a charitable institution belongs is determined: Provided that in the case of a child educated as a boarder in a boarding school so certified the local education authority who are making provision for his education shall continue liable to make such provision pending the determination of any question which may arise as to the area to which he belongs.

(3) Section one hundred and twenty-eight of the Education Act, 1921, shall apply to children receiving education as day scholars in schools certified under Part V. of the Education Act, 1921, and provided by a local education authority, as it applies to children receiving education in public elementary schools.

(4) Paragraphs (*b*) and (*c*) of subsection (2) and subsection (4) of section fifty-two, subsection (4) of section fifty-six and sections fifty-nine and sixty of the Education Act, 1921, are hereby repealed.

Short title and commencement.

3.—(1) This Act may be cited as the Education (Institution Children) Act, 1923.

(2) The Education Act, 1921, and this Act may be cited together as the Education Acts, 1921 and 1923.

(3) This Act shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-three.

CHAPTER 39.

An Act to amend the law relating to the relief from rates to be given in respect of agricultural land in England and agricultural land and heritages in Scotland, and for purposes in connection therewith. [2nd August 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Further exemption of agricultural land in England from rates. 59 & 60 Vict. c. 16.

1.—(1) During the continuance of this Act, section one of the Agricultural Rates Act, 1896 (hereinafter in this Act referred to as "the principal Act"), which provides that an occupier of agricultural land in England shall, in the case of every rate to which that Act applies, be liable to pay one half only of the rate in the pound payable in respect of buildings and other hereditaments, shall have effect as if for the references in that section to "one half" there were substituted references to "one quarter":

Provided that, notwithstanding any provision contained in any other enactment for assessing agricultural land to any rate at less than the rateable value thereof or otherwise giving relief in respect of any rate to occupiers of agricultural land, an occupier of agricultural land shall not, as compared with an occupier of buildings or other hereditaments, pay any rate in a less proportion than one-quarter.

(2) Where under any local Act passed, or any Provisional Order confirmed by Parliament at any time before the end of the present Session of Parliament, a rate to which the principal Act applied has, before the passing of this Act, become or thereafter becomes consolidated with a rate to which that Act did not apply, section one of that Act as amended by this section shall apply to the consolidated rate notwithstanding any provision contained in that Act or Order with respect to the proportion in which occupiers of agricultural land are to be liable to be assessed to or to pay that rate.

Additional deficiency grant.

2. In respect of the deficiency which will arise by reason of the foregoing provisions of this Act in the produce of rates made by spending authorities, there shall—

(*a*) be paid in respect of every year during which this Act continues in force to the Local Taxation Account a sum (in this Act referred to as "the additional annual grant") of such an amount as is certified from time to time under the provisions of this Act; and

(*b*) be issued from the Local Taxation Account to each spending authority such sum as is certified in manner aforesaid to represent the share for each half-year of that authority in the additional annual grant.

Ascertainment and certifying of amount of additional annual grant and of shares of spending authorities.

3.—(1) The Minister of Health shall from time to time estimate, as respects each spending authority, the deficiency which will arise in each half year by reason of the foregoing provisions of this Act in the produce of the rates made by that authority, and, subject as hereinafter provided, the amount of that deficiency shall be taken to be the difference between the sum which the Minister estimates would have been raised by those rates in respect of agricultural land if this Act had not passed and the sum which the Minister estimates will be so raised under the foregoing provisions of this Act:

Provided that in estimating any such deficiency as aforesaid no account shall be taken of any highway rate levied under paragraph (2) of section two hundred and sixteen of the Public Health Act, 1875, in any part of an urban district unless such a rate was so levied in that

38 & 39 Vict. c. 55.

part of the district during the year ending on the thirty-first day of March, nineteen hundred and twenty-three.

(2) A sum equal to the aggregate for the year of the deficiencies so estimated for all the spending authorities shall be the amount of the additional annual grant, and a sum equal to the deficiency estimated as aforesaid in the case of each spending authority shall be the share of that spending authority for the half year in the additional annual grant, and the Minister shall certify accordingly the amount of the additional annual grant and of the share therein of each spending authority.

Relief in respect of rates given under other Acts to land of certain kinds to extend to all agricultural lands.

4. The provisions of any enactment contained in any Act other than this Act or the principal Act by virtue of which an occupier of land in England which is used as arable, meadow or pasture ground only is liable, as compared with an occupier of buildings, to be assessed to or to pay any rate in the proportion only of one quarter, shall be extended so as to give, during the continuance of this Act, the same relief to occupiers of any land which is agricultural land within the meaning of the principal Act but is not land to which those provisions apply.

Relief not to be taken into account in determining rents under 13 & 14 Geo. 5. c. 9, s. 12.

5. The relief to occupiers of agricultural land granted by the principal Act as amended by this Act shall not be taken into account by an arbitrator in determining for the purposes of section twelve of the Agricultural Holdings Act, 1923, what rent is properly payable in respect of a holding.

Application and amendment of certain provisions of principal Act.

6.—(1) The provisions of the principal Act set out in the first column of Part I. of the Schedule to this Act shall have effect for the purposes of this Act, so far as it relates to England, as if they were herein re-enacted with the modifications (if any) specified in the second column of the said Part.

(2) During the continuance of this Act, section three of the principal Act (which relates to contributions from more than one parish) shall have effect subject to the modifications specified in Part II. of the Schedule to this Act, and section nine of the said Act shall have effect as if the definition of rateable value so specified were substituted for the definition of rateable value contained in the said section nine.

Adjustment of excess payments of rates.

7. Where before the first day of September, nineteen hundred and twenty-three, any person being the occupier of any agricultural land in England has, in respect of a rate in relation to which this Act has effect, paid an amount in excess of the amount which he was, having regard to the provisions of this Act, liable to pay in respect thereof, the amount of that excess shall, subject as hereinafter provided, be repaid by means of an allowance from the amount due from that person in respect of any unpaid instalment of that rate or due in respect of the rate for the like purpose made next after the date aforesaid:

Provided that, if before the first day of January, nineteen hundred and twenty-four, no such allowance as aforesaid has been made, or if the amount of the excess has not been allowed as aforesaid in full, the amount of the excess or the balance thereof unallowed, as the case may be, shall, on a demand in that behalf made by the person by whom the instalment or rate was paid or his representative be recoverable as a debt due to him by the authority by which the rate was levied.

Annual value of agricultural lands and heritages for county and parish rates in Scotland.

8. As from the fifteenth day of May, nineteen hundred and twenty-three, and during the continuance of this Act—

(1) the annual value of all agricultural lands and heritages in Scotland shall, for the purposes of all the rates leviable by county councils and parish councils (with the exception hereinafter provided with respect to rates leviable under certified classifications) be held to be the nearest aggregate sum of pounds sterling to one-half of the annual value of such lands and heritages as appearing in the valuation roll, subject. in the case of rates leviable by parish councils, to the deductions in pursuance of section thirty-seven of the Poor Law (Scotland) Act, 1845; 8 & 9 Vict. c. 83.

(2) every occupier of agricultural lands and heritages in Scotland shall be entitled, on payment of the occupier's share of any rate in respect of such lands and heritages leviable by a county council or parish council (with the exception aforesaid), to recover from the owner of the lands and heritages by retention out of rent or otherwise one-half of the amount so paid by him,

and in respect of the amount so recovered from him the owner of any lands and heritages shall be deemed to be charged therewith for the purposes of the Income Tax Acts;

59 & 60 Vict. c. 37.

(3) section one of the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896 (hereinafter in this Act referred to as "the Act of 1896"), except the definition of the expression "agricultural lands and heritages" (including the proviso to that definition), shall cease to have effect save for the purpose of construing any enactment in which that section is referred to.

Additional annual grant for Scotland.

9. In respect of the deficiency which will arise in the produce of the rates leviable by county and parish councils (hereinafter in this Act referred to as "rating authorities") by reason of the net reduction in the annual value of agricultural lands and heritages for rating purposes effected by the immediately preceding section of this Act, there shall—

(*a*) be paid in respect of the local financial year ending the fifteenth day of May, nineteen hundred and twenty-four, and each succeeding local financial year to the Local Taxation (Scotland) Account a sum (in this Act referred to as "the additional annual grant for Scotland") of such an amount as is ascertained and certified from time to time under the provisions of this Act; and

(*b*) be paid in respect of each of the aforesaid years out of the Local Taxation (Scotland) Account under the direction of the Secretary for Scotland to each rating authority a sum equal to the aggregate of the amounts payable in respect of that year to the rating authority in respect of the rates leviable by the authority ascertained and certified as aforesaid.

Ascertainment of amount of additional annual grant for Scotland

10.—(1) The Secretary for Scotland shall ascertain and certify with respect to the local financial year ending the fifteenth day of May, nineteen hundred and twenty-four, and each succeeding local financial year:—

(*a*) the amount which is to be taken as having been raised during the year by each rating authority

by each rate leviable by the authority, and the portion of such amount which would represent the owners' share thereof if this Act had not passed; and

and of payments to rating authorities.

(*b*) the whole valuation of the rateable area of each rating authority for each rate, and the portion of such valuation which represents the valuation of agricultural lands and heritages.

(2) That part of the owners' share of the amount to be taken as having been raised by each rate which represents the proportion borne by the valuation of agricultural lands and heritages in the rateable area to the whole valuation of the rateable area shall, to the extent of three-eighths thereof, ascertained and certified by the Secretary for Scotland with respect to each local financial year, be the amount payable with respect to that year to the rating authority in respect of that rate out of the Local Taxation (Scotland) Account, and a sum equal to the aggregate of the amounts so payable in respect of each local financial year to all the rating authorities ascertained and certified as aforesaid shall be the amount of the additional annual grant for Scotland in respect of that year.

Appropriation of sums paid to rating authorities in Scotland. 61 & 62 Vict. c. 56.

11. As from the fifteenth day of May, nineteen hundred and twenty-three, and during the continuance of this Act, subsection (4) of section four of the Act of 1896 shall cease to have effect, and every sum paid or payable under subsection (3) of the said section, or subsection (1) of section two of the Local Taxation Account (Scotland) Act, 1898, or this Act to any rating authority in respect of any rate shall, for all purposes, be deemed to have been raised or to be raiseable by that rate and shall be appropriated in reduction of the total amount leviable by that rate.

Certified classifications to cease.

12.—(1) As from the fifteenth day of May, nineteen hundred and twenty-three, and during the continuance of this Act, every certified classification within the meaning of the Act of 1896 which was in force at the said date shall cease to have any force or effect except any existing classification which shall be certified by the Secretary for Scotland in terms of the next succeeding subsection of this section:

Provided that a parish council shall have power at any time within two months after the passing of this Act

to alter any existing classification so far as necessary to enable it to be certified as aforesaid.

(2) If it shall be certified by the Secretary for Scotland that the rates leviable on the occupiers of agricultural lands and heritages in pursuance of an existing classification (including an existing classification altered as aforesaid) are not more than one-half of the rates which would without classification be leviable on such occupiers in terms of this Act, such classification shall have effect, and the provisions of the section of this Act relating to annual value of agricultural lands and heritages for county and parish rates shall not apply to the occupiers' share of the rates leviable by the parish council in pursuance of that classification:

Provided that a parish council shall have power to abandon any classification certified in terms of this subsection.

Application of certain provisions of Act of 1896.

13. The provisions of the Act of 1896 set out in Part III. of the Schedule to this Act shall have effect for the purposes of this Act, so far as it relates to Scotland, as if they were re-enacted in this Act with the modifications (if any) specified in the second column of that Part of the Schedule.

Relief not to be taken into account in fixing rents.

14. The relief to occupiers of agricultural lands and heritages effected by the Agricultural Rates (Scotland) Acts, 1896 to 1923, shall not be taken into account by the land court in fixing a fair or equitable rent for a holding under the Small Landholders (Scotland) Acts, 1886 to 1919, or by an arbiter in determining for the purposes of section twelve of the Agricultural Holdings (Scotland) Act, 1923, what rent is properly payable in respect of a holding.

Charging of additional annual grants.

15. The additional annual grant and the additional annual grant for Scotland shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof, and shall be issued thereout in such manner and at such times as the Treasury direct.

Explanation and meaning of "allotment."

12 & 13 Geo. 5. c. 51.

16. For the purposes of removing doubts, it is hereby declared that—

(*a*) in the principal Act, as amended by this Act, the expression "allotment" includes an allotment garden within the meaning of the Allotments Act, 1922; and

(*b*) in the Act of 1896, as amended by this Act, the expression "allotment" includes an allotment garden within the meaning of the Allotments (Scotland) Act, 1922: 12 & 13 Geo. 5. c. 52.

Provided that nothing in this section shall operate to extend the meaning of the expression "agricultural land" in the principal Act, as amended by this Act, so as to include a cottage garden not exceeding one-quarter of an acre, or to extend the meaning of the expression "agricultural land and heritages" in the Act of 1896 so as to include land occupied together with a house as a garden.

Short title and duration.

17.—(1) This Act may be cited as the Agricultural Rates Act, 1923.

(2) This Act, so far as it relates to England, shall be construed as one with the principal Act, and that Act and this Act, so far as it relates to England, may be cited together as the Agricultural Rates Acts, 1896 and 1923.

(3) This Act, so far as it relates to Scotland, and the Act of 1896, and the Local Taxation Account (Scotland) Act, 1898, may be cited together as the Agricultural Rates (Scotland) Acts, 1896 to 1923.

(4) This Act shall, so far as it relates to England, be deemed to have come into operation on the first day of April, nineteen hundred and twenty-three, and for the purposes of this Act any rate made in England within the period of four weeks immediately before the said first day of April to meet expenses to be incurred after that date shall be deemed to have been made on that date.

(5) This Act shall continue in force until the thirty-first day of March, nineteen hundred and twenty-five, unless Parliament otherwise determines.

Sections 6 and 13.

SCHEDULE.

PART I.

Provisions of principal Act applied.	Modifications.
Subsections (4), (5) and (6) of section 4, (certifying of annual sums payable in respect of deficiency).	In subsections (4) and (5) the words "section three of this Act" shall be substituted for the words "this section," in subsection (5) the words "or alteration in the valuation list or basis or standard for the county rate" shall be inserted after the word "error," and in subsection (6) the word "first" shall be omitted.
Subsections (1) (3) and (4) of section 6 (procedure for ascertaining deficiency).	For paragraph (*a*) of subsection (1) there shall be substituted "(*a*) by every spending authority in relation to the sums received or to be received by them, or their predecessors or successors, in respect of any rate to which the provisions of the principal Act as amended by this Act apply," and in subsection (3) for the words from "and those regulations" to the end of the subsection there shall be substituted the words "and every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder."

Provisions of principal Act applied.	Modifications.
Subsection (2) of section 7.	
Section 8.	
Schedule - - -	The words "Metropolitan borough councils" shall be inserted after the words "the receiver of the Metropolitan police district."

Part II.

Modification of S. 3 of Principal Act.

The words "the sums issuable to them in respect of the said rate out of the Local Taxation Account under the principal Act and this Act" shall be substituted for the words "the sum issuable to them in respect of the said rate on account of their share of the annual grant," and three-quarters of the rateable value of the agricultural land in the parish shall be substituted for one half of that rateable value.

Substituted definition of Rateable Value.

The expression "rateable value" in the case of the county rate means the net annual value according to the basis or standard for the county rate, and in the case of any other rate levied on an assessable value based on any annual value not being the rateable value as stated in the valuation list means that annual value.

Part III.

Provisions of Act of 1896 applied.	Modifications.
In Section 1 the definition of "agricultural lands and heritages" (including the proviso to that definition).	The words "in the Act of 1896 and this Act" shall be inserted after the words "agricultural lands and heritages."
Subsection (4) of section 2.	

Provisions of Act of 1896 applied:	Modifications.
Section 6 - -	The words "any additional relief to the "occupiers of agricultural lands and "heritages effected by this Act" shall be substituted for the words "the relief effected by this Act from "a proportion of the consolidated "rate, poor rate, and other rates "before mentioned."

CHAPTER 40.

An Act to amend the Merchant Shipping Acts, 1894 to 1921, with respect to the expenses of the medical attendance of masters and seamen suffering from Venereal Disease.

[2nd August 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 34 (1) of 6 Edw. 7. c. 48.

1. Subsection (1) of section thirty-four of the Merchant Shipping Act, 1906 (which relates to the expenses of medical attendance of masters and seamen suffering from injuries and illnesses), shall apply to any case where the illness from which the master or seaman is suffering is venereal disease, and accordingly that subsection shall have effect as if the words "venereal disease or" were omitted therefrom.

Short title, construction and commencement.

2.—(1) This Act may be cited as the Merchant Shipping Acts (Amendment) Act, 1923, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1921, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1923.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four.

CHAPTER 41.

An Act to amend the law relating to the election of town councillors in Scotland, and to make provision with regard to the powers of returning officers at elections of parish councillors in Glasgow. [2nd August 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of ss. 43 and 45 of 63 & 64 Vict. c. 49.

1. Sections forty-three and forty-five of the Town Councils (Scotland) Act, 1900 (which respectively relate to the nomination of candidates for the office of town councillor, and to the withdrawal of nominations), shall have effect as if the Friday and the Monday immediately preceding the last Tuesday of October were respectively substituted for the Tuesday and the Thursday immediately preceding the first Tuesday of November.

Amendment of s. 49 of 63 & 64 Vict. c. 49.

2. Section forty-nine of the Town Councils (Scotland) Act, 1900, which relates to the taking of polls in contested elections, shall have effect as if the following proviso were added at the end thereof:—

> Provided always that, where the council are satisfied that it is necessary in order to afford to all electors such reasonable facilities for voting as are practicable in the circumstances, they may, by resolution passed not later than one month before the issue in any year of the notice referred to in section forty-two, extend the hours prescribed by the last-mentioned Act for the keeping open of the poll, so however that the poll shall not commence earlier than seven o'clock in the forenoon and shall not be kept open later than nine o'clock in the afternoon.

Returning officer at an election of

3. The returning officer at an election of councillors for a burgh divided into wards, may, without prejudice to any other power, by writing under his hand,

town councillors to have power to appoint deputies.

appoint one or more fit persons to be his deputy or deputies for all or any of the purposes relating to such election and may, by himself or by such deputy, exercise any powers and do any things which the returning officer is required to exercise or do in relation to such election.

Counting of votes between the close of the poll and nine o'clock in the morning. 35 & 36 Vict. c. 33.

4. Notwithstanding anything in Rule 35 of Part I. of the First Schedule to the Ballot Act, 1872, the returning officer at an election of councillors for a burgh may, if he shall think fit, and without the consent of any candidate or other person, proceed with the counting of the votes during the hours between the close of the poll and nine o'clock on the succeeding morning.

Polling places and districts. 63 & 64 Vict. c. 49.

5. Notwithstanding anything in section twenty-two of the Town Councils (Scotland) Act, 1900, it shall not be necessary that a polling place appointed for any polling district under the said section be situated within such polling district.

Amendment of s. 52 of 63 & 64 Vict. c. 49.

6. Section fifty-two of the Town Councils (Scotland) Act, 1900 (which relates to the declaration of the election of town councillors), shall have effect as if the words "eight of the clock," were substituted for the words "four of the clock."

Returning officers at parish council elections in Glasgow. 59 & 60 Vict. c. cxcix.

7. The returning officer at an election of parish councillors under section twelve of the Glasgow Corporation (General Powers) Act, 1896, shall have the like powers as are conferred by sections two and three of this Act on the returning officers at the elections therein referred to.

Extent, commencement and short title.

8.—(1) This Act shall extend to Scotland only and shall come into operation on the expiry of one month after the passing thereof.

(2) This Act may be cited as the Town Councils (Scotland) Act, 1923, and the Town Councils (Scotland) Acts, 1900 and 1903, and this Act may be cited as the Town Councils (Scotland) Acts, 1900 to 1923.

CHAPTER 42.

Repealed except ss. 1, 6, 28, 29, 30, and 31 by the Workmens Compensation Act 1925 (c. 84).

An Act to amend the Workmen's Compensation Act, 1906, and the Acts amending that Act, and to amend the law with respect to employers' liability insurance, the notification of accidents, first aid, and ambulance. [16th November 1923.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Benefits under Principal Act.

Repeal of War Addition Acts. 7 & 8 Geo. 5. c. 42. 9 & 10 Geo. 5. c. 83.

1. The Workmen's Compensation (War Addition) Acts, 1917 and 1919, shall cease to have effect after the thirty-first day of December, nineteen hundred and twenty-three, and are hereby repealed:

Provided that the addition provided for in the said Acts shall continue to apply to a weekly payment payable to a workman under the Workmen's Compensation Act, 1906 (hereinafter referred to as the principal Act), or under any enactment superseded by that Act, in respect of total incapacity arising from an accident which occurred on or before the said thirty-first day of December so long as the workman remains totally incapacitated, and the addition shall, for all purposes, be treated as if it were part of the weekly payment.

6 Edw. 7. c. 58.

Increase of amount payable on death of workman leaving children.

2. Where a workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and, in addition, leaves one or more children under the age of fifteen so dependent, then—

(*a*) if both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, there shall, in respect of each such child, be added to and dealt with as

part of the compensation payable under paragraph (1) (*a*) of the First Schedule to the principal Act, a sum equal to fifteen per cent. of the amount arrived at by multiplying the average weekly earnings of the workman, or where such earnings are less than one pound, then by multiplying one pound, or where such earnings exceed two pounds then by multiplying two pounds, by the number of weeks in the period between the death of the workman and the date when the child will attain the age of fifteen, fractions of a week being disregarded; and

(*b*) if the widow or other member of the workman's family or such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, there shall be paid as part of the compensation under the said paragraph such proportion of the sum which would have been payable under the foregoing paragraph of this section if all such persons had been wholly dependent as may be agreed upon or in default of agreement as may, taking into consideration the amount payable under the principal Act, be determined by arbitration under the principal Act to be reasonable.

Provided that the total amount of compensation payable to the dependants shall in no case exceed six hundred pounds.

Increase of minimum amount of compensation in fatal cases.

3. Paragraph (1) of the First Schedule to the principal Act shall have effect as if for the words "one hundred and fifty pounds" there were substituted the words "two hundred pounds."

Variation of amount of weekly payment.

4.—(1) In paragraph (1) (*b*) of the First Schedule to the principal Act, thirty shillings shall be substituted for one pound as the maximum amount of the weekly payment.

(2) Where the maximum weekly payment payable under the principal Act, as amended by the foregoing subsection, to a workman who is totally incapacitated is less than twenty-five shillings, the workman shall be entitled during such incapacity to a weekly addition

equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall, for all the purposes of the principal Act, be treated as if it were part of the weekly payment.

(3) In the case of partial incapacity, the weekly payment shall, subject to the provisions of paragraph (3) of the said Schedule, be of the following amount:

(*a*) if the maximum weekly payment, had the incapacity been total incapacity, would have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident;

(*b*) if the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by subsection (2) of this section, to less than twenty-five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident.

(4) Proviso (*b*) to paragraph (1) of the said Schedule which relates to the amount of the weekly payment in the case of a workman who is under twenty-one years of age at the date of the injury shall cease to have effect.

Waiting period.

5. Compensation shall be payable under the principal Act if the injury disables the workman for more than three days from earning full wages at the work at which he was employed, but shall not be payable in respect of the first three days on which he is so disabled unless the incapacity lasts for four weeks or upwards.

Provision with respect to certified schemes.

6.—(1) If it appears to the Registrar of Friendly Societies that any scheme duly certified by him under subsection (1) of section three of the principal Act no longer complies with the requirements of that section by reason of the foregoing provisions of this Act, he shall make such amendments of the scales of compensation provided by the scheme as may in his opinion be necessary to render them not less favourable to the workmen and their dependants than the corresponding scales contained in the principal Act as amended by this Act.

(2) Where the Registrar has amended scales of compensation provided by any such scheme as aforesaid, the scheme shall have effect as if when originally made it had provided for the substitution, as from the date of the commencement of this Act, of the amended scales for the scales originally contained therein, and the amended scales shall continue to apply until the expiry of the certificate in force at the commencement of this Act or of any renewal thereof given by the Registrar under the principal Act.

Inclusion of certain Accidents happening when Workman acting contrary to Regulations, &c.

Inclusion of certain accidents happening when workman acting contrary to regulations, &c.

7. For the purposes of the principal Act, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

Extension of principal Act.

Extension of principal Act to certain share fishermen.

8. Section seven of the principal Act shall have effect as if for subsection (2) thereof the following subsection were substituted:—

"(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or

mainly by shares in the profits or gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Secretary of State may by order provide:

"Provided that no such order shall come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which the House has sat, and, if either House before the expiration of those twenty-one days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order."

Extension of definition of workman.

9.—(1) The definition of "workman" in section thirteen of the principal Act shall have effect as if for the words "two hundred and fifty pounds," there were inserted the words "three hundred and fifty pounds."

(2) For the purposes of the principal Act, the expression "workman" shall include:—

(*a*) a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (or in Scotland any contract of letting to hire), other than a hire purchase agreement, in consideration of the payment of a fixed sum or a share in the earnings or otherwise, and in relation to such a person the owner of the vehicle or vessel shall, for the purposes of the principal Act, be deemed to be the employer;

(*b*) a person whose employment is of a casual nature, and who is employed otherwise than for the purposes of his employer's trade or business, if employed for the purposes of any game or recreation, and engaged or paid through a club, and in such case the manager or members of the managing committee of the club shall, for the purposes of the principal Act, be deemed to be the employer;

(*c*) any person, not being a master seaman or apprentice to the sea service or the sea fishing service, employed on board any such ship as is mentioned in section seven of the principal Act, if so employed for the purposes of the ship or of

any passengers or cargo or mails carried by the ship, and if he otherwise complies with the provisions of the principal Act defining workman.

Amendments as to procedure under principal Act.

Provisions as to notices of accidents.

10.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop and on every ship to which section seven of the principal Act applies, where it may be conveniently read by the persons employed, a summary, in such form as may be prescribed, of the requirements of the principal Act as amended by this Act, with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases, and, in the event of such summary becoming effaced, obliterated or destroyed, it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this subsection the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop or the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings, other than proceedings against a master of a ship, may be instituted by an inspector of mines or factories.

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by section two of the principal Act shall not be a bar to the maintenance of proceedings for the recovery of compensation under the principal Act if the employer is proved to have had knowledge of the accident from any source at or about the time of the accident; or, where the employer is the owner of a mine or quarry or the occupier of a factory or workshop,—

(*a*) if such summary as aforesaid has not been posted up in accordance with the provisions of this section;

(*b*) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories;

(*c*) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop;

(*d*) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

(3) Notice of an accident for the purpose of section two of the principal Act may be given either in writing or orally to the employer or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the employer.

(4) For facilitating the giving of notice of accidents for the purposes of section two of the principal Act, a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happening of the accident, shall be sufficient notice of the accident for the purposes of the said section.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this subsection are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

(5) The fact that a workman has not given notice of an accident in a case where the necessity of giving such a notice is dispensed with shall not deprive the employer of his right under paragraph (4) of the First Schedule to the principal Act to require the injured workman to submit himself to medical examination.

(6) For the purposes of this section, the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshops Acts, 1901 to 1920, apply; and the expression "prescribed" means prescribed by the Secretary of State.

Provisions as to medical referees.

11.—(1) The power of the registrar of a county court under paragraph (15) of the First Schedule to the principal Act to refer a matter to a medical referee may

be exercised on the application of one of the parties as well as on the application of both parties, subject however to appeal to the judge, and where the application is made by only one of the parties, the registrar, or on appeal the judge, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference.

(2) Where a matter is referred to a medical referee under paragraph (*f*) of subsection (1) of section eight of the principal Act, the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by the medical referee, and such certificate by the medical referee shall be conclusive.

(3) For paragraph (5) of the Second Schedule to the principal Act the following paragraph shall be substituted:—

> (5) A judge of county courts may in any case, if he thinks fit, and shall, if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.
>
> If a medical referee is so summoned on the application of any party, that party shall, notwithstanding anything in section ten of the principal Act, but subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Secretary of State.

Additional powers of county courts with respect to registration of lump sum agreements.

12.—(1) Where a memorandum of an agreement for the payment of a lump sum is under the principal Act sent for registration, the registrar, and if in pursuance of the principal Act or this Act the matter is referred to the judge, the judge of the county court shall have power, in accordance with rules of court,—

(*a*) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance of any of the parties to the agreement before him;

(*b*) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee;

In the event of either of the parties failing to comply with any requirement of the registrar under this subsection, the registrar may refuse to record the memorandum and refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(2) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the registrar, or on appeal the judge, may refuse to record the memorandum.

(3) Any such agreement shall disclose the amount, if any, paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the registrar that the amount is excessive, the registrar may direct that the bill of costs be submitted to him for taxation and thereupon the registrar shall, subject to review by the judge, tax such costs in accordance with rules of court, and if the costs are reduced on such taxation, the amount of such reduction shall either be applied and dealt with for the benefit of the workman or his dependants or paid to the employer or otherwise dealt with as the judge may direct.

(4) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1911, and the Acts amending that Act, payable to the workman is administered, shall be entitled to send to the registrar objections to the registration of any such agreement as aforesaid, and, in the event of the attendance of any of the parties to the agreement being required, shall be entitled to appear before the registrar, or, if the matter is referred to the judge, before the judge. 1 & 2 Geo. 5. c. 55.

(5) Rules of court may be made providing that in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the registrar or the judge, or a report

from the medical referee is required to be obtained, the registrar or judge shall have the power of awarding costs.

Power to make agreements as to compensation to workmen disabled by industrial disease.

13. Where a workman claims to be suffering from and disabled by a disease to which the provisions of section eight of the principal Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the certificate of the certifying surgeon mentioned in the said section, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by paragraph (9) of the Second Schedule to the principal Act and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

Miscellaneous Amendments of the Principal Act.

Restrictions on ending or diminishing weekly payments.

14. An employer shall not be entitled otherwise than in pursuance of an agreement or arbitration to end or diminish a weekly payment under the principal Act except in the following cases :—

(*a*) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work ;

(*b*) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased ;

(*c*) where the medical practitioner who has examined the workman under paragraph (14) of the First Schedule to the principal Act has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to

end the weekly payment, or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman:

Provided that—

(i) in the last-mentioned case, if before the expiration of the said ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer, the weekly payment shall not be ended or diminished, except in accordance with such report, or if and so far as the employer disputes such report, except in accordance with the certificate given by a medical referee in pursuance of paragraph (15) of the said Schedule as amended by this Act; and

(ii) where an application has been made in pursuance of the said paragraph (15) as so amended to refer the dispute to a medical referee, it shall be lawful for the employer, pending the settlement of the dispute, to pay into court—

(*a*) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime;

(*b*) where the notice was a notice to diminish the weekly payment, so much of each weekly payment so payable as is in dispute;

and the sums so paid into court shall, on the settlement of the dispute, be paid to the employer or to the workman according to the effect of the certificate of the medical referee, or, if the effect of that certificate is disputed, as in default of agreement may be determined by the registrar or, on appeal, the judge;

(iii) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which, or to an extent to which, apart from this section, he would not be entitled to do so.

Power to review weekly payments on fluctuations in rate of remuneration.

15. A weekly payment payable in respect of an injury by an accident happening after the commencement of this Act may, at any time after six months from the date of the accident, be reviewed at the request either of the workman or of the employer, if it is claimed that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, the average weekly earnings of the workman during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent. than the average weekly earnings of the workman during the twelve months previous to the accident (or if the weekly payment has been previously varied on a review under this section during the twelve months previous to that review or the last of such reviews), and where such a claim as aforesaid is proved the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident.

Power to order partial incapacity to be treated as total incapacity in certain cases.

16. If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the judge of the county court that he has taken all reasonable steps to obtain, and has failed to obtain, such employment, and that his failure to obtain such employment is a consequence, wholly or mainly, of the injury, the judge shall order that his incapacity shall, for the purposes of the principal Act, continue to be treated as total incapacity for such period, and subject to such conditions, as may be provided by the order, without prejudice however to the right of review conferred by paragraph (16) of the First Schedule to the principal Act:

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

Amendment of s. 3 of the principal Act relating to certification of schemes.

17. The Registrar of Friendly Societies shall not certify or renew the certificate of any scheme under section three of the principal Act unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the

currency of the scheme and after the scheme is revoked or expires, so far as there may be any liabilities outstanding at the date of revocation or expiry.

Amendment of s. 1 (4) of the principal Act.

18. For subsection (4) of section one of the principal Act the following subsection shall be substituted :—

(4) If, within the time hereinafter in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate tribunal, that tribunal shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of an award under this Act:

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation, and in such case may order the county court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid.

Amendment of s. 5 of principal Act as to bankruptcy of employer.

19.—(1) Where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture-holders of any property comprised in or subject to the charge, then—

(*a*) if the company has entered into a contract with any insurers in respect of any liability under the principal Act to any workman, the rights of the

company against the insurers in respect of that liability shall be transferred to and vest in the workman in like manner as if an order for the winding-up of the company had been made;

(*b*) if no such contract has been entered into, the amount due in respect of any compensation under the principal Act, the liability wherefor accrued before the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be, shall be included amongst the debts which under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to all other debts.

8 Edw. 7. c. 69.

(2) The limitation to one hundred pounds in any individual case on the amounts due by way of compensation, which under subsection (3) of section five of the principal Act are to be included in the debts to be paid in priority to other debts in the case of a bankruptcy or winding-up, shall cease to have effect.

(3) Accordingly section five of the principal Act shall have effect subject to the amendments mentioned in the First Schedule to this Act.

Provisions as to the detention of ships.

20.—(1) Section eleven of the principal Act, which provides for the detention of ships for the purpose of enforcing claims for compensation against the owners thereof if resident abroad, shall have effect as if the following paragraph were inserted therein:—

"Where a complaint is made to the Secretary of State that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits within which she can be arrested, the ship shall, if the Secretary of State so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention, if made in accordance with the directions of the Secretary of State."

(2) Where a ship has been demised to charterers, the provisions of the said section eleven as so amended shall

apply to claims against the charterers of the ship as they apply to claims against the owners of a ship with the substitution of charterers for owners:

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship is demised to them.

(3) Without prejudice to any other means of enforcing claims in Scotland, the said section eleven as so amended shall, with the substitution of references to the sheriff for references to a judge of any court of record in England, apply to a ship found in any port or river of Scotland, or within three miles of the coast thereof, in like manner as it applies to a ship found in any port or river of England or within three miles of the coast thereof.

Registration of agreements compromising disputed claims.

21. Where after the commencement of this Act the person against whom a claim for compensation is made under the principal Act disputes his liability to pay compensation, but makes an agreement whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be sent for registration in like manner and subject to the like conditions as in the case of an agreement for redemption of the weekly payment by a lump sum, and unless and until the agreement is registered in accordance with those provisions, the agreement shall not, nor shall the payment of any sum payable thereunder, exempt the employer from liability under the principal Act:

Provided that in determining whether or not the lump sum agreed to be paid as aforesaid is adequate, the registrar, or, if the matter is referred to the judge, the judge, shall have regard to the question whether or not liability to pay compensation under the principal Act is doubtful.

Definition of partial dependency.

22. For the purposes of the principal Act, a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessaries of life suitable for persons in his class and position.

Repayment of poor relief.

23. Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under the principal Act or any scheme certified thereunder, and either—

(*a*) such relief would not have been granted had the person then received or been in receipt of compensation under the principal Act; or

(*b*) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation;

the authority may give notice of the relief so provided to the person liable to pay the compensation, and if such notice is given the person so liable shall on demand, and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess, as the case may be, repay to the authority, up to the amount which he is liable to pay as compensation, less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved:

Provided that, if the person so liable to pay compensation gives to the authority by which such notice as aforesaid is given notice that he intends to pay, or that he has paid, compensation, he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later.

Minor amendments of principal Act.

24.—(1) Where a dependant dies before a claim under the principal Act is made, or, if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

(2) No deduction shall be made under paragraph (1) (*a*) (i) of the First Schedule to the principal Act, as amended by section two of this Act, in respect of the amount of any weekly payments made under the

principal Act, so as to reduce the sum payable in respect of the children of the workman under the said section two, nor so as to reduce the amount payable under the principal Act below two hundred pounds.

(3) Paragraph (1) (*a*) (iii) of the First Schedule to the principal Act shall have effect as if "fifteen pounds" were substituted for "ten pounds."

(4) In paragraph (2) of the First Schedule to the principal Act, after paragraph (*d*) there shall be inserted:

(*e*) Upon request of an injured workman to the employer liable to pay compensation under this Act, such employer shall furnish in writing a list of the earnings of that workman upon which the amount of average weekly earnings may be calculated for the purpose of determining the amount of any weekly payment under this Act.

(5) Section six of the principal Act (which relates to remedies both against employer and stranger) and paragraph (19) of the First Schedule to the principal Act (which prohibits a weekly payment, or a sum by way of redemption thereof, being assigned, charged, or attached) shall apply to sums paid or payable by way of compensation under a scheme certified under the principal Act in like manner as they apply to sums paid or payable by way of compensation under the principal Act.

(6) For the proviso to paragraph (16) of the First Schedule to the principal Act the following proviso shall be substituted:

"Provided that, where the workman was at the date of the accident under twenty-one years of age, and the review takes place more than six months after the accident, and before the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of the accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured."

(7) The provisions of paragraph (17) of the same Schedule, which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where

the injured workman is at the date when the application for the redemption is made under twenty-one years of age, and where in the case of an injured workman under the age of twenty-one the lump sum for which the liability to the weekly payment may be redeemed is determined by arbitration under the principal Act, the right which if the redemption did not take place the workman would have under the proviso to paragraph (16) of the said Schedule shall be taken into account.

(8) Paragraph (18) of the same Schedule, which provides for the cessation of the weekly payment of a person ceasing to reside in the United Kingdom, shall have effect, as respects changes of residence after the commencement of this Act, as if for the words "United Kingdom" there were substituted the words "Great "Britain, Northern Ireland, the Channel Islands or the "Isle of Man."

(9) Proviso (iii) to paragraph (*c*) of subsection (1) of section eight of the principal Act, which provides for contributions where more employers than one are liable, shall have effect as if at the end thereof there were added the words "or if the amount of compensation is not in "dispute, as may be determined by arbitration under this "Act."

(10) Section fourteen of the principal Act is hereby repealed.

Provisions as to fees.

25.—(1) Where a reference is made to a medical referee under paragraph (15) or paragraph (18) of the First Schedule to the principal Act, as amended by this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, notwithstanding anything in section ten of the principal Act, but subject to any directions as to costs, be payable by the applicant for the reference or for the registration of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Secretary of State may prescribe, and provision may be made by rules of court for the payment of such fees through the registrar of the county court.

All such references shall be made and reports obtained in accordance with regulations of the Secretary of State.

(2) In paragraph (15) of the First Schedule to the principal Act the words "on payment by the applicants "of such fee not exceeding one pound as may be "prescribed" shall be repealed.

Power to make Orders in Council for giving effect to conventions with Foreign States.

26.—(1) For the purpose of giving effect to any Convention with a Foreign State providing for reciprocity in matters relating to compensation to workmen for injuries by accident, it shall be lawful for His Majesty by Order in Council to make provision—

(*a*) for modifying the principal Act in its application to cases affected by the Convention, so, however, as not to alter the amount of compensation in any case to which the principal Act may apply;

(*b*) for determining, in cases where rights to compensation accrue both under the principal Act and under the law of the State with which the Convention is made, under the law of which country the workman shall be entitled to recover compensation;

(*c*) for conferring on county courts powers for the admission of evidence taken abroad and the procuring and taking of evidence for use abroad, or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of the two countries.

(2) If the Convention extends to Northern Ireland, the provisions of this section shall extend to the enactments regulating the payment of compensation to workmen for injuries by accident for the time being in force in Northern Ireland.

Power to extend principal Act to aircraft outside Great Britain.

27.—(1) The Secretary of State may by order extend the provisions of the principal Act, as amended by this Act, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the meaning of the principal Act, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Great Britain, in such circumstances as may be specified in the order.

(2) The aircraft to which this section applies are aircraft registered in Great Britain and Northern Ireland, the owner of which resides or has his principal place of business in Great Britain.

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which that House has sat, and, if during that period either House presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

Notification of Accidents; First Aid and Ambulance.

Notification of accidents. 6 Edw. 7. c. 53.

28.—(1) Section four of the Notice of Accidents Act, 1906, shall have effect as if for subsection (1) thereof the following subsection were substituted:—

"Where any accident occurs in a factory or workshop which either—

(*a*) causes loss of life to a person employed in the factory or workshop; or

(*b*) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State may prescribe, shall forthwith be sent to the inspector of the district."

(2) Section one of the Notice of Accidents Act, 1906, so far as it relates to metalliferous mines and quarries, shall have effect as if for the words "and "disabled for more than seven days any person employed "in or about the mine or quarry from working at his "ordinary work," there were substituted the words "and disabled for more than three days any person "employed in or about the mine or quarry from earning "full wages at the work at which he was employed."

1 & 2 Geo. 5. c. 50.

(3) Paragraph (*b*) of subsection (1) of section eighteen of the Coal Mines Act, 1911, shall have effect as if for the words "and disabled for more than seven "days any person employed in or about the mine from "working at his ordinary work," there were substituted the words "and disabled for more than three days any "person employed in or about the mine from earning "full wages at the work at which he was employed."

(4) This section shall be construed as one with the Notice of Accidents Act, 1906, or the Coal Mines Act, 1911, as the case may require.

First-aid and ambulance and safety orders.

29.—(1) In every factory the following requirements shall have effect :—

(*a*) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and, where more than one hundred and fifty persons are employed, an additional box or cupboard for every additional one hundred and fifty persons.

The number of first-aid boxes or cupboards required under this provision shall be calculated on the largest number of persons employed at any one time, and fractions of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time :

(*b*) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard :

(*c*) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room :

(*d*) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Chief Inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate ;

and, if in respect of any factory such requirements are not complied with, the factory shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901. 1 Edw. 7. c. 22.

(2) The powers of the Secretary of State under section seven of the Police, Factories, &c. (Miscellaneous 6 & 7 Geo. 5. c. 31.

Provisions) Act, 1916, to make orders in relation to first aid and ambulance arrangements in factories and workshops, shall be exercisable as respects any works or premises to which any of the provisions of the Factory and Workshop Acts, 1901 to 1920, apply, and such building and engineering operations as may be prescribed, in like manner as they are exercisable as respects factories and workshops.

(3) Where it appears to the Secretary of State that, in view of the number and nature of accidents occurring in any factory or class of factories, special provision ought to be made at that factory or at factories of that class to secure the safety of persons employed therein, he may by order require the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the order, and, if the occupier of any factory affected by any such order fails to comply with the requirements of the order or any of them, the factory shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901.

(4) This section, so far as it relates to factories and other places to which the Factory and Workshop Acts, 1901 to 1920, or any of them, apply, shall be construed as one with those Acts.

Supplemental.

Application of Act.

30. The provisions of sections two to ten of this Act and of the amendments of any scheme made in pursuance thereof shall not apply to any case where the accident happened before the commencement of this Act.

Short title, construction, extent, commencement and repeal. 9 Edw. 7. c. 16. 8 & 9 Geo. 5. c. 8. 8 & 9 Geo. 5. c. 14.

31.—(1) This Act may be cited as the Workmen's Compensation Act, 1923, and the principal Act, the Workmen's Compensation (Anglo-French Convention) Act, 1909, the Workmen's Compensation (Illegal Employment) Act, 1918, the Workmen's Compensation (Silicosis) Act, 1918, and this Act may be cited together as the Workmen's Compensation Acts, 1906 to 1923.

(2) This Act shall, save as otherwise expressly provided, be construed as one with the principal Act, and references in this Act to the principal Act shall be construed as references to that Act as amended by this Act.

(3) This Act shall not, except where otherwise expressly provided, extend to Northern Ireland.

(4) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four.

(5) The enactments mentioned in the Second Schedule to this Act, except so far as they relate to Northern Ireland, are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 19.

AMENDMENTS OF SECTION 5 OF THE PRINCIPAL ACT.

1. In subsection (1) of section five of the principal Act, after the words "in the event of a company having commenced to be wound up," there shall be inserted the words "or a receiver or manager of the company's assets by or on the application of debenture-holders having been appointed."

2. At the end of subsection (2) of the same section there shall be added the words "or as the case may be may recover the balance from the receiver or manager."

3. For subsection (3) of the same section the following subsection shall be substituted :—

There shall be included amongst the debts which—

(i) under section thirty-three of the Bankruptcy Act, 1914, and section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are, in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts ;

(ii) under section two hundred and nine of the Companies (Consolidation) Act, 1908, are in the winding-up of a company to be paid in priority to all other debts ; and

(iii) under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to any claim for principal or interest in respect of debentures ;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say :—

(*a*) in the first case the date of the receiving order ;

(*b*) in the second case the date of the commencement of the winding up of the company;

(*c*) in the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section one hundred and seven;

and the said section shall have effect accordingly.

Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the First Schedule to this Act.

4. In subsection (5) of the same section the words "being wound up" shall be omitted.

Section 31.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 58.	The Workmen's Compensation Act, 1906.	Paragraph (*a*) of subsection (2) of section one. In subsection (5) of section five the words "being "wound up." Subsection (2) of section seven. The proviso to paragraph (1) of the First Schedule. Paragraph (3) of the First Schedule from "and in "the case" to the end of the paragraph. In paragraph (15) of the First Schedule the words from "on payment" to "as "may be prescribed" and the words "and subject "to the consent of the "Treasury as to the fee "to be paid under this "paragraph." The proviso to paragraph (16) of the First Schedule.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	In paragraph (*d*) of subsection (1) of section two hundred and nine the words "not exceeding in "any individual case one "hundred pounds." In paragraph (3) of section two hundred and forty the words "not exceeding in "any individual case one "hundred pounds."
3 & 4 Geo. 5. c. 20.	The Bankruptcy (Scotland) Act, 1913.	In paragraph (*d*) of subsection (1) of section one hundred and eighteen the words "not exceeding in "any individual case one "hundred pounds."
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914.	In paragraph (*d*) of subsection (1) of section thirty-three the words "not exceeding in any "individual case one hun-"dred pounds."
7 & 8 Geo. 5. c. 42.	The Workmen's Compensation (War Addition) Act, 1917.	The whole Act.
9 & 10 Geo. 5. c. 83.	The Workmen's Compensation (War Addition) Amendment Act, 1919.	The whole Act.

TABLE II.

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 13 & 14 GEO. 5.*

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
22 Geo. 3. c. 45.	House of Commons (Disqualifications).	Excluded (East India loans)	31, s. 11.
41 Geo. 3. (U.K.) c. 52.	House of Commons (Disqualifications).	Excluded (East India loans)	31, s. 11.
57 Geo. 3. c. 97.	Land Revenues of the Crown.	S. 25 applied - - -	9, s. 44 (3).
1 & 2 Will. 4 c. 55.	Illicit Distillation (Ireland).	Ss. 16–7, 19, 22–5, 27–8, penalty increased.	14, s. 13.
1 & 2 Vict. c. 74.	Small Tenements Recovery.	S. 1 excluded - - -	32, s. 4.
8 & 9 Vict. : c. 16 -	Companies Clauses Consol.	S. 97 ext. as to Great Western, London Midland and Scottish, London and N.E., Southern, City and South London and London Electric Rlys.	xxviii. s. 62 : xxx. s. 56 : lxxxii. s. 40 : lxxxiii. s. 90 : ci. s. 77 : ciii. s. 75.
c. 20 -	Railways Clauses Consol.	Act saved, ss. 78–85 substituted, s. 79A (as amended) in part applied; Schs. 1, 2, 3 inserted.	20, ss. 13, 15, 16, Schs. 1–3.
c. 33 -	Railways Clauses Consol. (S.).	Act saved, ss. 71–8 substituted, s. 72A (as amended) in part applied; Schs. 1, 2, 3 inserted.	20, ss. 13, 14 (2), 15, 16, 17, Schs. 1–3.
c. 83 -	Poor (S.) - -	S. 68 proviso, temp. modification continued.	6, s. 3.

* Acts annually continued by the Expiring Laws Continuance Act are not noticed in this Table.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
14 & 15 Vict. c. 36.	Inhabited House Duty.	Sch. am. (annual values) -	14, s. 15.
17 & 18 Vict. c. 89.	Spirits (Ireland) -	Am. as to Royal Irish Constabulary.	14, s. 13 (6).
20 & 21 Vict.: c. 40 -	Illicit Distillation (Ireland).	Am. as to Royal Irish Constabulary.	14, s. 13 (6).
c. 72 -	Police (S.) - -	S. 11 applied - - -	11, s. 3 (3).
c. 81 -	Burial - - -	S. 25 am. (fees) - -	4, s. 7.
c. 85 -	Matrimonial Causes	S. 27 am., proviso rep. -	19, ss. 1, 2, Sch.
24 & 25 Vict.: c. 91 -	Revenue (No. 2) -	Ss. 18, 19 am. as to Royal Irish Constabulary.	14, s. 13 (6).
c. 97 -	Malicious Damage	S. 32 in part repealed -	16, s. 10.
c. 109 -	Salmon Fishery -	Repealed - - - -	16, s. 93, Sch. 5.
26 & 27 Vict.: c. 10 -	Salmon Acts Amendment.	Rep. as to E. and W. -	16, ss. 93, 94 (3) Sch. 5.
c. 49 -	Duchy of Cornwall Management.	S. 8 applied - - -	9, s. 45 (3).
27 & 28 Vict. c. 114.	Improvement of Land.	Ss. 9 ext., 18 restricted, 50 am.	34, ss. 3, 5.
28 & 29 Vict. c. 121.	Salmon Fishery -	Repealed - - - -	16, s. 93, Sch. 5
29 & 30 Vict. c. 62.	Crown Lands -	S. 1 (power of Treasury) ext.	(E. and W.) 9, s. 43 (3); (S.) 10, s. 40 (3).
31 & 32 Vict.: c. 33 -	Cotton Statistics -	Repealed - - - -	22, s. 4.
c. 119 -	Regulation of Railways.	S. 34 temp. excluded as to Great Western, London Midland and Scottish, London & N.E., Southern, City and South London and London Electric Rlys.	xxviii. s. 63: xxx. s. 55: lxxxii. s. 41: lxxxiii. s. 91: ci. s. 76: ciii. s. 74.
c. 121 -	Pharmacy - -	S. 17 restricted and am. -	5, ss. 3, 4.
33 & 34 Vict.: c. 18 -	Metrop. Poor Amendment.	S. 1 (3), amdt. (by 11–2 G. 5. c 67. s. 1) temp. cont. with modification.	6, s. 1.
c. 33 -	Salmon Acts Amendment.	Rep. as to E. and W. -	16, ss. 93, 94 (3), Sch. 5.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
34 &35 Vict. c. 26.	Universities Tests	Saved - - - -	33, ss. 7, 10, Sch. (57).
35 &36 Vict.: c. 33 -	Ballot - - -	Sch. 1, part I, rule 35 excluded.	41, s. 4.
c. 65 -	Bastardy Laws Amdt.	Ss. 3, 4 am. - - -	23, ss. 1, 2, 4.
36 &37 Vict.: c. 9 -	Bastardy Laws Amdt.	S. 5 extended - - -	23, s. 3.
c. 71 -	Salmon Fishery -	Repealed - - - -	16, s. 93, Sch. 5.
37 & 38 Vict. c. 40.	Bd. of Trade Arbitrations, &c.	Pt. I applied (as modified)	xxxii., s. 22 (Stalybridge &c. Tramways and Electricity).
38 &39 Vict.: c. 17 -	Explosives - -	Ss. 5, 22, 34 am., 10 (11), 17 (10) substituted, 23 extended.	17.
c. 45 -	Sinking Fund -	Ss. 1, 3 rep., 7 applied -	14, ss. 32–5, 39 (4), Sch.
c. 55 -	Public Health* -	Suspension of s. 234 (3) cont. to April 1, 1924. S. 178 applied (fishery bds.) S. 184 excluded - -	6, s. 2. 16, s. 16 (2). 24, s. 12 (1).
c. 89 -	Public Works Loans	Act applied (as modified) up to July 31, 1928.	34, s. 1.
39 & 40Vict.: c. 19 -	Salmon Fishery -	Repealed - - - -	16, s. 93, Sch. 5.
c. 34 -	Elver Fishing -	Repealed - - - -	16, s. 93, Sch. 5.
c. 36 -	Customs Consolidation.	Ss. 104, 106, power to relax	14, s. 8 (3).
c. 75 -	Rivers Pollution Prevention.	Ext., ss. 14–5 applied -	16, s. 55 (2) (5).
40 & 41Vict.: c. 2 -	Treasury Bills -	S. 6 excl. - - - -	1, s. 3 (2).
c. 48 -	Universities of Oxford and Cambridge.	Applied (as adapted), s. 60 extended.	33, ss. 7, 9, 10, Sch.
c. 65 -	Fisheries (Dynamite).	Repealed as to E. and W. -	16, ss. 93, 94 (3), Sch. 5.
41 & 42 Vict. c. 49.	Weights and Measures.	S. 37 am. - - - -	4, ss. 6, 10, Sch. 3.

* For various extensions, &c. of the Public Health Acts under Local Acts of 1923 see the Index to Local and Private Acts of 1923 (published separately).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
42 & 43Vict.:			
c. 6 -	District Auditors -	S. 5 applied to accts. of Thornton U.D.C.	lxxiv. s. 59 (3).
c. 26 -	Salmon Fishery Law Amdt.	Repealed - - - -	16, s. 93, Sch. 5.
c. 47 -	Petroleum - -	S. 3, "twenty" substituted for "five."	4, s. 4.
c. 49 -	Summary Jurisdiction.	S. 17 saved - - -	5, s. 2 (1).
44 & 45Vict.:			
c. 41 -	Conveyancing -	S. 18 ext. - - - -	16, s. 16 (6).
		S. 67 applied - - -	20, ss. 15 (85 C.), 17 (*b*).
c. 58 -	Army - - -	Ss. 44 (5), 46 (1), 47 (1)–(4), 57 (2), 76, 82 (2), 122 (6), 138 (4), 145 (2) (3) am.; 179 (19A), 182 (2) (*c*), 187A added.	3, ss. 4–7, 12–5.
48 & 49Vict. c. 10.	Elections (Hours of Poll).	S.1, hours variable by resolution of council.	41, s. 2.
49 & 50Vict.:			
c. 2 -	Freshwater Fisheries.	Repealed - - - -	16, s. 93, Sch. 5.
c. 39 -	Salmon and Freshwater Fisheries.	Repealed - - - -	16, s. 93, Sch. 5.
c. 50 -	Removal Terms (S).	S. 6 applied - - -	10, ss. 26 (3) (*b*), 51.
50 & 51Vict. c. 16.	Nat. Debt. and Local Loans.	S. 2 rep. - - - - -	14, s. 39 (4), Sch.
51 & 52Vict.:			
c. 25 -	Railway and Canal Traffic.	Applied - - - -	20, s. 10.
c. 43 -	County Courts -	S. 143 excluded - -	32, s. 4.
52 & 53Vict.:			
c. 21 -	Weights and Measures.	S. 8 am. (fees) - - -	4, ss. 6, 10, Sch. 3.
c. 49 -	Arbitration - -	Excluded (agric. holdings)	9, s. 16 (5).
c. 63 -	Interpretation -	S. 19 saved - - -	34, s. 1 (5).
53 & 54Vict.:			
c. 8 -	Customs and Inland Revenue.	S. 25 (annual values for inhabited house duty) am.	14, s. 15.
c. 59 -	Public Health Acts Amdt.*		

* For various extensions, &c. of the Public Health Acts under Local Acts of 1923 see the Index to Local and Private Acts of 1923 (published separately).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
53 & 54 Vict.: c. 70 -	Housing of the Working Classes.	Ss. 2 in pt., 7 (*c*) (*d*), 20–1, 24, 26, 29 in pt., 36 (4), 37 (5) in pt., 41 (5) (7)–(11), 44, 49, 65 (i), 80 (1), Sch. 2 except paras. (10) and (12) rep.; Pt. II, ss. 38, 41, Sch. 2, paras. (10) (12) applied; ss. 5 (2), 29, 31 (1) (2), 34 (2), 38 (2) (10), 39 (1) (2), 45, 51 (1) (2) am.	24, ss. 15, 16, 24, Sch. 1, 2, 3.
54 & 55 Vict.: c. 36 -	Consular Salaries and Fees.	S. 2 extended - - -	4, s. 8.
c. 37 -	Fisheries - -	S. 12 repealed - - -	16, s. 93, Sch. 5.
c. 39 -	Stamp - - -	S. 9 applied - - -	2, ss. 8, 11 (5).
c. 76 -	Public Health (London).	S. 94 in pt. restricted -	24, s. 14 (3).
55 & 56 Vict.: c. 50 -	Salmon and Freshwater Fisheries.	Repealed - - - -	16, s. 93, Sch. 5.
c. 55 -	Burgh Police (S.) -	Ss. 79 applied, 96 (as enacted and as ext.) am.	11, ss. 3 (3), 4.
		S. 318 excluded - -	24, ss. 12 (1), 23 (2).
56 & 57 Vict.: c. 31 -	Rivers Pollution Prevention.	Ext. - - - -	16, s. 55.
c. 39 -	Industrial and Provident Societies.	Act applied as modified, s. 4 (*a*) excluded.	34, ss. 2 (1) (7), 5, Sch.
c. 66 -	Rules Publication	S. 1 excluded - - -	8, ss. 43, 46 (3). 21, s. 1 (4).
c. 73 -	Loc. Govt. - -	S. 58 applied locally (Rawmarsh U.D.C.).	xxvii. s. 103.
57 & 58 Vict.: c. 13 -	Arbitration (Scotland).	Excluded (agric. holdings)	10, s. 16 (3).
c. 30 -	Finance - -	S. 2 (2) am. - - -	14, s. 37.
c. 54 -	Railway and Canal Traffic.	S. 2 excluded - - -	20, s. 10 (1) (*c*).
c. 60 -	Merchant Shipping	Ss. 19, 64 (1), 77 (2), 99, 108, 115, 116 (2), 126 (2), 127, 206, 306 (2), 431, 695 (2), Schs. 6 (6) (7), 16 am.; Schs. 3, 9 rep. and substituted; s. 206 (3) rep.	4, ss. 1–3, 10, 11 (2) (3), Schs. 1, 2, 3.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
59 & 60 Vict.: c. 16 -	Agricultural Rates	Ss. 1, 9 ("allotment"), am., 3, 4 (4)–(6), 6 (1) (3) (4), 7 (2), 8, 9 ("rateable value"), Sch. applied as modified (*temp.*)	39, ss. 1 (1), 6, 16 (*a*), 17 (5), Sch. pts. I, II.
c. 18 -	Fisheries (Norfolk and Suffolk).	Repealed - - - -	16, s. 93, Sch. 5.
c. 25 -	Friendly Societies	S. 1, chief registrar to act and be known as Industrial Assurance Commissioner; ss. 62, 64–7 (as modified) applied to industrial assurance companies; 26–8, 70–1 (as modified), 80, applied to collecting societies; 63, 71 excl. as to such societies; 68, 76 (5), 102–4, 106 ext.	8, ss. 2, 4, 15, 17 (1), 32 (1), 36 (1) (2), 38, 39 (1), 45, 46 (3) (as from Jan. 1, 1924 and as to G.B., I. of Man and Channel I.)
c. 26 -	Collecting Societies and Industrial Assurance Companies.	Repealed (except as to Ireland), certificates under s. 11 saved.	8, ss. 10 (4), 46 (3) (4), Sch. 5.
c. 37 -	Agricultural Rates, etc. (S).	Ss. 1 in pt., 4 (4), virt. rep., 1, 2 (4), 6 applied as modified (*temp.*).	39, ss. 8 (3), 11, 13, 16 (*b*), 17 (5), Sch. pt. III.
61 & 62 Vict.: c. 44 -	Merchant Shipping (Mercantile Marine Fund).	S. 3 am., Sch. I repealed and substituted.	4, ss. 1, 10, Schs. 1, 3.
c. 56 -	Local Taxation Account (S.).	S. 2 (1) modified (*temp.*) -	39, ss. 11, 17 (5).
62 & 63 Vict.: c. 17 -	Tithe Rentcharge (Rates).	S. 1 substituted as to West Bromwich, Birkenhead, Croydon, Wakefield, Chesterfield, Torquay, Morley, Macclesfield, and Stoke-on-Trent.	lxxi., s. 115 (2): lxxxi., s. 7 (1): xcii., s. 19 (2): xciii., s. 12 (2): xcix., s. 362 (2): cii., s. 126 (1): cv., s. 89 (1): cvi., s. 62 (2): cvii., s. 116 (3).
c. 44 -	Small Dwellings Acquisition.	Act am., s. 1 in pt. rep. and am., ss. 2 (*a*), 3 (*b*) extended.	24, ss. 22, 23, 24 (1), Sch. 3.
63 & 64 Vict.: c. 49 -	Town Councils (Scotland).	Ss. 43, 45, 49, 52 am., 22 excluded.	41, ss. 1, 2, 5, 6.
c. 51 -	Money-lenders -	Excluded - - -	34, s. 2 (7), Sch.
2 Edw. 7. c. 29.	Freshwater Fish (Scotland).	S. 4, — *see* - - -	16, ss. 83, 94 (3).
3 Edw. 7. c. 25.	Licensing (Scotland).	Ss. 58 rep., 59 (as to penalty) saved.	28, s. 1.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
3 Edw. 7:			
c. 31 -	Board of Agriculture and Fisheries.	S. 3 (1), as to Esk, *see*	16, ss. 83, 93, 94 (3), Sch. 5.
c. 39 -	Housing of the Working Classes.	Ss. 13 (1) rep., 4 (2), Sch. am.	24, ss. 16, 23, 24 Schs. 2, 3.
c. 46 -	Revenue - -	S. 11 (annual values for inhabited house duty) am.	14, s. 15.
5 Edw. 7. c. 11.	Railway Fires -	Ss. 1 (3) am., 3 rep.; Act restricted.	27, ss. 1–3.
6 Edw. 7:			
c. 48 -	Merchant Shipping	S. 34 (1) am., "venereal disease or" omitted.	40, s. 1.
c. 53 -	Notice of Accidents	Ss. 1 am., 4 (1) substituted	42, s. 28 (1) (2) (4).
c. 58 -	Workmen's Compensation.	Ss. 1 (2) (*a*), 5 (5) in pt., 7 (2), 14, Sch. 1 (1) proviso, (3) and (15) in pt., (16) in pt. rep.; Sch. 1 (1), proviso (*b*) virt. rep.; ss. 3, 5, 8 (1) (*c*) (iii) (*f*), 11, 13 (as to "workmen"), Sch. 1 (1), (2), (15), (18), am.; ss. 1 (4), 7 (2), Schs. 1 (16) proviso, 2 (5), substit.; s. 6 applied; Sch. 2 (9) ext.; Sch. 1 (17) excluded.	42, ss. 2, 3, 4, 8, 9, 11, 13, 17–20, 24, 25, 30, 31 (3)–(5), Schs. 1, 2.
7 Edw. 7:			
c. 15 -	Salmon and Freshwater Fisheries.	Repealed - - - -	16, s. 93, Sch. 5.
c. 51 -	Sheriff Courts (S.)	Ss. 34–8, Sch. 1 (removings) applied.	10, ss. 26 (3), 51.
8 Edw. 7:			
c. 28 -	Agricultural Holdings.	Repealed - - - -	9, s. 58 (1) (3), Sch. 4.
c. 55 -	Poisons and Pharmacy.	Sch. am. - - - -	5, s. 5.
c. 64 -	Agricultural Holdings (S.)	Rep. so far as not already repealed.	10, ss. 50–1, Sch. 4.
c. 69 -	Companies (Consolidation).	Ss. 209 (1) (*d*) in pt., 240 (3) in pt. rep., 107 extended.	42, ss. 19, 31 (3)–(5), Sch. 2.
9 Edw. 7:			
c. 44 -	Housing, Town Planning, &c.	Ss. 14 (*b*), 15 (3)–(6) (8), 30, 59 (1) in pt. as to S., rep.; ss. 10 (1) (*a*) (*b*) (*c*), 12, 14 (*c*), 53 (11) (*a*) (*b*) (15), 58 (4), 59 (1), 69 (2) am.; 44 substit.	24, ss. 10, 13, 16, 18, 23, 24, Schs. 2, 3.
c. 47 -	Development and Road Improvement Funds.	S. 1 (1) (*b*) virt. rep. - -	21, s. 2 (2).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
9 Edw. 7: c. 49 -	Assurance Companies.	S. 36 rep.; Act applied (with mods.) to industrial assurance companies; s. 2 applied (with mods.) to collecting societies; ss. 1 (*e*) substituted, 5 restricted, 23 applied; Bd. of Trade empowered to adapt Schs. 4–6.	8, ss. 7, 12, 18 (2), 37, 39 (2), 42, 46 (3) (4), Sch. 5 (as from Jan. 1, 1924, and as to G.B., I. of Man and Channel I.).
10 Edw. 7. & 1 Geo. 5: c. 8 -	Finance (1909–10) -	Residue of s. 4 and (virt.) s. 42 (4), rep.	14, s. 38.
c. 24 -	Licensing (Consol.)	Ss. 67 rep., 68 (4) saved -	28, s. 1.
c. 30 -	Agric. Holdings (S.) Amdt.	Repealed - - - -	10, ss. 50–1, Sch. 4.
1 & 2 Geo. 5: c. 48 -	Finance - -	S. 16 (1) from "and (*c*)" to end of subsection, (2) in pt., rep.	14, ss. 34, 39 (4), Sch.
c. 50 -	Coal Mines - -	S. 18 (1) (*b*) am. - -	42, s. 28 (3) (4).
2 & 3 Geo. 5. c. 21.	Agricultural Holdings.	Repealed - - - -	9, s. 58 (1) (3), Sch. 4.
3 & 4 Geo. 5. c. 20.	Bankruptcy (Scotland).	S. 118 (1) (*d*) in pt. rep. -	42, s. 31 (4) (5), Sch. 2.
4 & 5 Geo. 5: c. 58 -	Crim. Justice Administration.	S. 18 excluded - - -	5, s. 2 (3) (*b*).
		S. 4 applied - - -	8, ss. 39 (6), 46 (3).
		S. 5 saved - - -	16, s. 73 (2).
c. 59 -	Bankruptcy - -	S. 33 (1) (*d*) in pt. rep. -	42, s. 31 (4) (5), Sch. 2.
c. 61 -	Special Constables	Act revived, and am. (E.S.)	11, ss. 1, 2.
c. 78 -	Courts (Emergency Powers).	Repealed as to enforcement of lapses of insurance policies.	8, ss. 28, 46 (3) (4), Sch. 5.
5 & 6 Geo. 5: c. 89 -	Finance (No. 2) -	Ss. 8, 11 (1), 12 continued	14, ss. 6, 7.
c. 93	War Loan (Supplemental Provisions).	S. 5 ext. - - - -	14, s. 33 (2).
6 & 7 Geo. 5: c. 11 -	Finance (New Duties).	Ss. 5, 6 as to cider, rep., 4 am., 1 (5) ext.	14, ss. 4, 5, 11, 39 (4), Sch.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
6 & 7 Geo. 5 :			
c. 12 -	Loc. Govt. (Emergency Provisions).	S. 13 (4) virt. rep. (on rep. of s. 44 of 1890 Act).	24, s. 16, Sch. 2.
		Ss. 5 (except (*a*)), 6, 7, 9, 12, 13 (except (6)), 14, 21–2, 24 (1) continued.	37, s. 1 (1), Sch., pt. I.
c. 24 -	Finance - -	Ss. 8, and in pt. 9, rep., 12 am.	14, ss. 4, 12, 39 (4), Sch.
c. 31 -	Police, Factories, &c. (Miscellaneous Provisions).	S. 7 ext. - - - -	42, s. 29 (2).
c. 37 -	Govt. of India (Amdt.).	S. 6 saved - - - -	31, s. 7.
c. 58 -	Registration of Business Names.	Ss. 12, 16, 17 (1) (*a*) am. -	4, s. 5.
7 & 8 Geo. 5.			
c. 42 -	Workmen's Compensation (War Addition).	Rep. as from Dec. 31, 1923	42, ss. 1, 31 (3)–(5), Sch. 2.
Air Force Act.	Air Force - -	Ss. 46A renumbered 47; 44 (5), 46 (1), 47 (1)–(4), 57 (2), 89, 122 (6), 138 (4), 145 (2) (3) am.; 187A, 188 (2) (*c*) added.	3, ss. 8–16.
8 & 9 Geo. 5:			
c. 40 -	Income Tax - -	Ss. 137 (3) (*b*) rep.; 7 (7), 25, 30 (2), 41, 107 (1), 125–6, 132 (2), 137 (3) (*a*) 221 (3), Sch. A, No. V, Rules 5, 7, 8 (1) am.; ss.5 excluded, 7 (6), 33, 37, 39 (5) (6), Sch. E. extended.	14, ss. 16, 17, 20–3, 25, 28–30, 39 (4), Sch.
c. 41 -	Isle of Man (Customs).	S. 2 (as to tobacco) cont. -	26, s. 1.
c. 49 -	Affiliation Orders (Increase, &c.).	S. 1 (1) virt. rep.; s. 1 (2) (3) ext.	23, s. 2.
9 &10 Geo. 5:			
c. 32 -	Finance - -	S. 8 (1) (2) applied (Isle of Man).	26, s. 5.
c. 35 -	Housing, Town Planning, &c.	Ss. 7, 15 (1) (*d*) proviso, (2) in pt., 16, 19 rep.; 8 (3) 26 (1) as to London, (2) (4), 28, 32, 35, 46, am.; 10 applied.	24, ss. 6, 7, 10 (2), 11, 14 (1), 16, 19, 24, Schs. 2, 3.
		S. 26 (2)–(4) applied to Maidstone.	xxxi. s. 105 (2).
c. 38 -	Merchant Shipping (Wireless Telegraphy).	S. 1 (4) am. (fees) - -	4, s. 2 (3) (*b*), Sch. 2, pt. III.
c. 50 -	Ministry of Transport.	S. 29 (3) excluded (temp.)	30, ss. 1 (*b*), 2 (2).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
9 & 10 Geo. 5:			
c. 57 -	Acquisition of Land (Assessment of Compensation).	Applied - - - -	24, s. 18.
c. 60 -	Housing, Town Planning, &c. (Scotland).	Ss. 5, 7, 14 (2) in pt., 16 rep.; 8 (1), 14, 23, 24 (1) (2), 25, 29, 32 am.; s. 9 applied.	24, ss. 6, 10 (2), 11, 16, 19, 23, 24, Schs. 2, 3.
c. 63 -	Agric. Land Sales (Restriction of Notice to Quit).	Repealed - - - -	(E. and W.) 9, s. 58 (1) (3), Sch. 4; (S.) 10, ss. 50–1, Sch. 4.
c. 74 -	Isle of Man (Customs).	S. 2 (as to ale or beer), Sch. 1 pt. I cont.	26, s. 2.
c. 83 -	Workmen's Compensation (War Addition) Amdt.	Rep. from Dec. 31, 1923 -	42, ss. 1, 31 (3)–(5), Sch. 2.
c. 99 -	Housing (Additional Powers).	Ss. 1 and 2 (except as to Scotland), 3, 4, rep.	24, s. 24, Sch. 3.
10 & 11 Geo. 5:			
c. 5 -	War Emergency Laws (Continuance).	Sch. 1, reference to Special Constables Act, 1914, repealed (G.B.).	11, s. 1 (2) (3).
c. 17 -	Increase of Rent and Mortgage (Restrictions).	Cont. to July 31, 1923 -	7.
		Ss. 3 (2) am., 14 (1) excluded, 2 applied.	13, ss. 1, 3 (1).
		Cont. (as modified) to June 24 (E.) or May 28 (S.), 1925, s. 5 substituted, Sch. 1 am., ss. 2 (6), 8, 15 (2), 17 ext., 3 (2) excluded, 12 (2) (i), 14 (1) restricted.	32, ss. 1, 4, 6 (2), 7 (1) (3), 8 (2), 9, 10, 11 (2), 19 (*a*).
		S. 16 applied (Bootle).	xvi, s. 6.
c. 18 -	Finance - -	Ss. 59 (1) am., (4) rep., 58 applied.	14, ss. 35, 39 (4), Sch.
c. 30 -	Unemployment Insurance.	Ss. 7 (2) (*b*) rep., 5 (3) (7), 15–6 applied, 33, Sch. 2 paras. 2, 5 am.	2, ss. 3 (1), 4 (2), (3), 5 (1), 7, 11 (3) (5), Sch. 2.
c. 31 -	Restoration of Order in Ireland.	Indemnity for acts under Reg. 14B.	12, s. 1 (1).
c. 46 -	Dangerous Drugs -	Ss. 8, 10 (1) (2) am., 10 (1A) added, 13 (1) (2) (2A) (2B) (2C) substit. for (1) (2), 13 (3) ext.	5, ss. 1, 2, 5, 6 (2).
c. 71 -	Housing (Scotland)	S. 7 substituted - -	24, ss. 23 (18), 24, Sch. 3.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 13 & 14 Geo. 5.
10 & 11 Geo. 5 :			
c. 76 -	Agriculture - -	Part II except s. 11 (already rep.), s. 33 except definition of " agricultural committee," Sch. 1, repealed as to E. and W.	9, s. 58 (1) (3), Sch. 4.
		Part II, ss. 33, 34 except definition of " agricultural committee," Sch. 1, repealed as to S.	10, ss. 50, 51, Sch. 4.
11 & 12 Geo. 5 :			
c. 1 -	Unemployment Insurance.	S. 2 (so far as unrep.) rep.; Sch. 1 virt. rep.	2, s. 11 (3) (5), Sch. 2.
c. 7 -	Tribunals of Inquiry (Evidence).	Act applied - - -	12, s. 1 (2).
c. 15 -	Unemployment Insurance (No. 2).	Ss. 2 rep., 3 (3) from " and paragraph (*b*)," and Sch. 1, virt. rep.	2, s. 11 (3) (5), Sch. 2.
c. 17 -	Agriculture (Amdt.)	Repealed - - - -	(E. and W.) 9, s. 58 (1) (3), Sch. 4; (S.) 10, ss. 50, 51, Sch. 4.
c. 19 -	Housing - -	Ss. 1, 8 rep. - - -	24, ss. 6, 24, Sch. 3.
c. 21 -	Dentists - -	S. 3 extended - - -	36, s. 1.
c. 32 -	Finance - -	Ss. 7, 8 (2) rep. - -	14, ss. 11, 39 (4), Sch.
c. 38 -	Salmon and Freshwater Fisheries.	Repealed as to E. and W.	16, s. 93, Sch. 5.
c. 40 -	Isle of Man (Customs).	Ss. 3, 5 continued - -	26, ss. 3, 5.
c. 48 -	Corn Production Acts (Repeal).	S. 5 repealed - - -	(E. and W.) 9, s. 58 (1) (3), Sch. 4; (S.) 10, ss. 50, 51, Sch. 4.
c. 51 -	Education - -	S. 107 ext. - - -	2, ss. 6, 11 (5).
		Ss. 52 (2) (*b*) (*c*) (4), 56 (4), 59, 60 repealed, part V excluded, s. 128 applied.	38, s. 2 (1) (3)(4).
c. 55 -	Railways - -	Ss. 16, 17 am. (temp.) -	30.
c. 64 -	Poor Law Emergency Provisions (S).	Cont. (as modified) to May 15, 1924; ss. 1 (2), 2 (1), 3 (4) am.	6, s. 3.
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PUBLIC GENERAL STATUTES OF 1923.

(13 & 14 GEORGE 5.)

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I.	„	„	Ireland.
G.B. and N.I.	„	„	Great Britain and Northern Ireland.

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THE

LOCAL AND PRIVATE ACTS

OF

1923;

BEING THOSE PASSED IN THE THIRTEENTH AND FOURTEENTH YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH;

IN THE SECOND SESSION OF THE THIRTY-SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

WITH AN

INDEX.

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TABLE I.

A TABLE

OF

THE TITLES OF THE LOCAL AND PRIVATE ACTS (INCLUDING THE PUBLIC ACTS OF A LOCAL CHARACTER) PASSED DURING 1923;

ARRANGED ACCORDING TO CHAPTER.

[13 & 14 GEORGE 5.]

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

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13 GEO. 5.

ROYAL ASSENT, 26th April 1923.

P. i. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the William Brown Nimmo Charitable Trust. (*William Brown Nimmo Charitable Trust Order Confirmation.*)

ii. An Act to consolidate and reduce the capital of the South Oxfordshire Water and Gas Company and to make other provisions with reference to the capital and affairs of the Company. (*South Oxfordshire Water and Gas.*)

iii. An Act to confer further powers on the Wallasey Embankment Commissioners to amend the Acts relating to the Commissioners and for other purposes. (*Wallasey Embankment.*)

13 & 14 GEO. 5.

ROYAL ASSENT, 17th May, 1923.

P. iv. An Act to confirm certain Provisional Orders of the Minister of Health relating to Darlington Parts of Holland Nottingham Stockton-on-Tees Thurrock Grays and Tilbury Joint Sewerage District and Wimbledon. (*Ministry of Health Provisional Orders Confirmation* (*No.* 1).)

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P. vi. An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Poole Harbour. (*Pier and Harbour Order Confirmation* (*No.* 1).)

vii. An Act to confer further powers upon the London County Council to confer powers upon metropolitan borough councils and for other purposes. (*London County Council* (*General Powers*).)

viii. An Act to authorise the Westminster City Council to dispose of the Cleveland Street Infirmary site as if it were not a disused burial ground and for other purposes. (*Westminster City Council* (*Cleveland Street Infirmary*).)

ix. An Act to confirm an agreement between the South Staffordshire Mines Drainage Commissioners the company of proprietors of the Birmingham Canal Navigations and the Public Works Loan Commissioners. (*South Staffordshire Mines Drainage.*)

x. An Act to constitute the Runcorn District Water Board to transfer to them the water undertaking of the Runcorn Urban District Council and for other purposes. (*Runcorn District Water Board.*)

xi. An Act to increase the borrowing powers of the Port of London Authority. (*Port of London* (*Finance*).)

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xvi. An Act to make further provision with regard to the collection of rates on premises of low rateable value within the borough of Bootle and for other purposes. (*Bootle Corporation.*)

xvii. An Act for removing the limit on the liability of members of the General Reversionary and Investment Company Limited and for other purposes. (*General Reversionary and Investment Company.*)

Royal Assent, 18th July, 1923.

xviii. An Act to remove doubts arising under the Act 21 Geo. III. ch. 71 and for other purposes. (*Bank of England.*)

xix. An Act to provide for the vesting of the undertaking of the Swansea Harbour Trustees in the Great Western Railway Company and for other purposes. (*Great Western Railway (Swansea Harbour Vesting).*)

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ROYAL ASSENT, 31st July 1923.

P. lix. An Act to confirm a Provisional Order under the Sea Fisheries Act 1868 and the Acts amending the same relating to an oyster fishery in the River Roach. (*Oyster Fishery (Roach River) Provisional Order Confirmation.*)

P. lx. An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Bridgwater Colwyn Bay and St. Anne's-on-the-Sea. (*Pier and Harbour Orders Confirmation (No. 2).*)

P. lxi. An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Berwick-upon-Tweed Harbour. (*Pier and Harbour Order Confirmation (No. 3).*)

P. lxii. An Act to confirm certain Provisional Orders made by the Minister of Transport under the Tramways Act 1870 relating to Leicester Corporation Tramways and Rochdale Corporation Tramways. (*Tramways Provisional Orders.*)

P. lxiii. An Act to confirm certain Provisional Orders of the Minister of Health relating to Cardiff Eastern Valleys (Monmouthshire) Joint Sewerage District Isle of Thanet Joint Hospital District Poole Sheffield and Goole. (*Ministry of Health Provisional Orders Confirmation* (*No.* 9).)

P. lxiv. An Act to confirm certain Provisional Orders of the Minister of Health relating to Poulton-le-Fylde Todmorden and Willenhall. (*Ministry of Health Provisional Orders Confirmation* (*No.* 10).)

P. lxv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund. (*Church of Scotland Ministers' and Scottish University Professors' Widows' Fund Order Confirmation.*)

lxvi. An Act to regulate the expenditure on capital account and lending of money by the London County Council during the financial period from the first day of April one thousand nine hundred and twenty-three to the thirtieth day of September one thousand nine hundred and twenty-four and for other purposes. (*London County Council* (*Money*).)

lxvii. An Act to empower the Essex County Council to construct a new bridge over the River Roding at Barking in the county of Essex and for other purposes. (*Essex County Council* (*Barking Bridge*).)

lxviii. An Act to vest in the urban district council of Mitcham certain common lands and fair rights in their district and to make further provision with regard to the improvement health local government and finance of the district and for other purposes. (*Mitcham Urban District Council.*)

lxix. An Act to confer further powers on the corporation of Greenock in relation to their electricity undertaking. (*Greenock Corporation* (*Electricity*).)

lxx. An Act to make provisions with reference to the undertakings of the Potteries Electric Traction Company Limited and the North Staffordshire Tramways Company Limited to confer powers upon those companies and for other purposes. (*Potteries and North Staffordshire Tramways and Light Railways.*)

lxxi. An Act to confer upon the corporation of Birkenhead further powers with respect to their water tramway gas and electricity undertakings to consolidate the local rates leviable in

the borough to make better provision for the health local government and finance of the borough and for other purposes. (*Birkenhead Corporation.*)

lxxii. An Act to authorise Lever Brothers Limited to construct a dock and other works in the urban district of Bebington and Bromborough in the county of Chester and for other purposes. (*Bromborough Dock.*)

lxxiii. An Act to confer further powers upon the South Staffordshire Mond Gas (Power and Heating) Company to alter the name of the Company and for other purposes. (*South Staffordshire Mond Gas.*)

lxxiv. An Act to empower the Thornton Urban District Council to construct a promenade street works a jetty and other works to make further provision with regard to the health improvement and good government of the district the assessment and levying of rates and for other purposes. (*Thornton Urban District Council.*)

lxxv. An Act to empower the urban district council of Rugby to construct additional waterworks and to make further provision in regard to the water and electricity undertakings of the Council and the health local government and improvement of the district and for other purposes. (*Rugby Urban District Council.*)

lxxvi. An Act for authorising the West Gloucestershire Water Company to construct new works and to borrow further moneys for increasing the charges of the Company and for other purposes. (*West Gloucestershire Water.*)

lxxvii. An Act to transfer to the Corporations of Oldham and Rochdale as part of their water undertakings certain waterworks rights and powers of the Rochdale Canal Company to empower the said Corporations to construct new waterworks and for other purposes. (*Oldham and Rochdale Corporations.*)

lxxviii. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Plymouth in regard to their water gas electricity and tramway and light railway undertakings to empower them to construct street improvements and to purchase the bridges known as the "Stonehouse Bridge" and the "Stonehouse Mill Bridge" to constitute the Corporation the port sanitary authority for the port of Plymouth to provide for the transfer to the Corporation of the Devon and Cornwall Sanatorium at Didworthy to make further provision in regard to the health local government and improvement of the borough and for other purposes. (*Plymouth Corporation.*)

lxxix. An Act for authorising the Mid Kent Water Company to construct new waterworks for conferring further powers upon the Company and for other purposes. (*Mid Kent Water.*)

lxxx. An Act to authorise the Felixstowe Dock and Railway Company to levy additional rates tolls and charges to purchase additional lands for the provision of workmen's dwellings to redeem debenture stock and for other purposes. (*Felixstowe Dock and Railway.*)

lxxxi. An Act to confer powers upon the mayor aldermen and burgesses of the borough of West Bromwich with regard to the consolidation of rates and for other purposes. (*West Bromwich Corporation.*)

lxxxii. An Act to confer additional powers upon the London Midland and Scottish Railway Company for the construction of railway widenings to authorise that Company and the Midland and Great Northern Railways Joint Committee to acquire lands and for other purposes. (*London Midland and Scottish Railway.*)

lxxxiii. An Act to empower the Southern Railway Company to construct a floating dry dock and other works and to acquire lands to extend the time limited by certain Acts for the completion of works and for the compulsory purchase of lands to abandon a portion of the East Southsea Branch Railway to transfer to the said Company the undertaking of the Lynton and Barnstaple Railway Company and to the said Company and the London Midland and Scottish Railway Company the undertaking of the Somerset and Dorset Railway Company and for other purposes. (*Southern Railway.*)

lxxxiv. An Act to empower the Seaham Harbour Dock Company to construct a dock extension and other works to confer upon that Company additional borrowing powers and for other purposes. (*Seaham Harbour Dock.*)

lxxxv. An Act to provide for the transfer of the undertaking of the Swanage Electricity Supply Company Limited to the Swanage Gas Company to confer further powers on the Swanage Gas Company and for other purposes. (*Swanage Gas and Electricity.*)

lxxxvi. An Act to provide for the consolidation with amendments of the Local Acts and Orders in force in the borough of Lytham Saint Anne's to confer further powers upon the mayor aldermen and burgesses of the borough in relation to their tramway gas electricity and market undertakings and for the acquisition of additional lands to make further provision for the improvement health and good government of the borough and for other purposes. (*Lytham Saint Anne's Corporation.*)

lxxxvii. An Act to authorise the transfer by the Admiralty to the Dover Harbour Board of the Admiralty Harbour at Dover and for other purposes. (*Dover Harbour.*)

lxxxviii. An Act to incorporate and confer powers upon the Bournemouth-Swanage Motor Road and Ferry Company and for other purposes. (*Bournemouth-Swanage Road and Ferry.*)

lxxxix. An Act to empower the mayor aldermen and burgesses of the county borough of Barnsley to construct additional waterworks and to improve the access to their electricity works and to make further provision for the improvement health and good government of the borough and for other purposes. (*Barnsley Corporation.*)

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xc. An Act to make further provision in regard to the water undertaking of the urban district council of Broadstairs and St. Peter's and the health local government and improvement of their district and for other purposes. (*Broadstairs and St. Peter's Urban District Council.*)

xci. An Act to empower the mayor aldermen and burgesses of the borough of Chelmsford to construct additional waterworks to confer further powers upon them in regard to their water undertakings and for other purposes. (*Chelmsford Corporation Water.*)

xcii. An Act to authorise the mayor aldermen and burgesses of the county borough of Croydon to execute a street improvement to consolidate the rates of the said borough and for other purposes. (*Croydon Corporation.*)

xciii. An Act to confer further powers upon the mayor aldermen and citizens of the city of Wakefield with regard to their water undertaking and to provide for the consolidation of rates and for other purposes. (*Wakefield Corporation.*)

xciv. An Act for the abandonment of the undertaking and the winding-up and dissolution of the West Somerset Mineral Railway Company and for matters incidental thereto. (*West Somerset Mineral Railway* (*Abandonment*).)

xcv. An Act to empower the mayor aldermen and burgesses of the borough of West Hartlepool to provide and work trolley vehicles and for other purposes. (*West Hartlepool Corporation.*)

xcvi. An Act to confer further powers upon the Shropshire Worcestershire and Staffordshire Electric Power Company to make further provisions with reference to the separate undertaking of that company and for other purposes. (*Shropshire Worcestershire and Staffordshire Electric Power.*)

xcvii. An Act to extend the time for the compulsory purchase of lands for and for the construction and completion of the railways and works authorised by the Wimbledon and Sutton Railway Act 1910 to raise additional capital and for other purposes. (*Wimbledon and Sutton Railway.*)

xcviii. An Act to constitute the county council of the west riding of Yorkshire the drainage authority for the administrative county of the west riding of Yorkshire and for other purposes. (*West Riding of Yorkshire County Council (Drainage).*)

xcix. An Act to consolidate with amendments the local Acts in force within the borough of Chesterfield to confer further powers upon the mayor aldermen and burgesses of that borough in relation to their several undertakings the construction of street improvements the provision of recreation grounds and other matters to discontinue the Chesterfield racecourse to make better provision for the health local government and improvement of the borough and the levying of rates therein and for other purposes. (*Chesterfield Corporation.*)

c. An Act to authorise the mayor aldermen and citizens of the city of Nottingham and county of the same city to construct street works tramways and waterworks to increase tramway and water charges to extend the area of supply for electricity purposes to provide for the discontinuance of burials in the Nottingham General Cemetery to confer further powers with regard to streets and buildings and the health and good government of the city and for other purposes. (*Nottingham Corporation.*)

ci. An Act for empowering the City and South London Railway Company to extend their railway and to confer further financial and other powers on the Company to confer powers on the London Electric Railway Company the Metropolitan District Railway Company and the Central London Railway Company and for other purposes. (*City and South London Railway.*)

cii. An Act to empower the mayor aldermen and burgesses of the borough of Torquay to construct street improvements to confer further powers upon the Corporation with regard to the health local government and improvement of the borough and with regard to their water electricity and gas undertakings to amalgamate the parishes and consolidate the rates of the borough and for other purposes. (*Torquay Corporation.*)

ciii. An Act to empower the London Electric Railway Company to construct new railways subways and works to raise additional capital to confer further powers on that Company and on the Metropolitan District Central London and City and South London Railway Companies and for other purposes. (*London Electric Railway.*)

civ. An Act to empower the mayor aldermen and burgesses of the borough of Chatham to construct street improvements and to make further provision with regard to the health local government and improvement of the borough and for other purposes. (*Chatham Corporation.*)

cv. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Morley with regard to their water undertaking to make further provision with regard to the health improvement and good government of the borough and the consolidation of rates and for other purposes. (*Morley Corporation.*)

cvi. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Macclesfield with regard to the construction of waterworks to make further provision with regard to the health improvement and good government of the borough and the consolidation of rates and for other purposes. (*Macclesfield Corporation.*)

cvii. An Act to consolidate the Acts and Orders relating to the electricity undertaking of the mayor aldermen and burgesses of the borough of Stoke-on-Trent and to confer further powers upon them with respect thereto to consolidate the local rates in the borough to make better provision for the health local government and finances of the borough and for other purposes. (*Stoke-on-Trent Corporation.*)

P. cviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Robert Gordon's Colleges and the Aberdeen Endowments Trust. (*Robert Gordon's Colleges and Aberdeen Endowments Trust Order Confirmation.*)

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OF

1923.

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Tuberculosis prevention. *See* Barnsley (c. lxxxix, ss. 78–9); Broadstairs (c. xc, ss. 36–7); Chatham (c. civ, s. 94); Chesterfield (c. xcix, ss. 297–8); Lytham St. Anne's (c. lxxxvi, ss. 227–8, 230); Maidstone (c. xxxi, ss. 60, 131); Morley (c. cv, s. 69); Nottingham (c. c, ss. 89, 90); Stoke-on-Trent (c. cvii, s. 84); Torquay (c. cii, ss. 63, 75).

U.

Uckfield Order (land purchase) - - - - xxxvii, sched.

Universities. *See* Church of Scotland and Scottish University Professors' Widows' Fund (c. lxv).

V.

Verminous persons, houses, &c., cleansing of. *See* c. xxvii, pt. vii (Rawmarsh U.D.C.); c. xxxi, ss. 145–7 (Maidstone); c. lxviii, pt. viii (Mitcham); c. lxxi, pt. vii (Birkenhead); c. lxxv, pt. ix (Rugby U.D.C.); c. lxxxvi, ss. 232–5 (Lytham St. Anne's); c. xc, ss. 38–41 (Broadstairs); c. xcix, ss. 311–4 (Chesterfield); c. c, pt. ix (Nottingham); c. cii, pt. v (Torquay); c. civ, ss. 98, 101–3 (Chatham); c. cv, ss. 64, 70 (Morley); c. cvi, s. 101 (Macclesfield); c. cvii, ss. 66–70 (Stoke-on-Trent).

W.

Wakefield Corporation (water, rating, &c.) - - - xciii

——————— protected. c. lxxvii, s. 53 (Oldham and Rochdale Water).

Wakefield R.D.C. protected. c. lxxxii, s. 15 (London Midland and Scottish Railway).

Wallasey Embankment (Commissioners' powers) - - iii

——— water supply. *See* Birkenhead (c. lxxi, s. 31).

Wandsworth Borough Council protected. c. ci, s. 33 (City and South London Railway).

War Office protected. *See* Great Western Railway (Additional Powers) (c. xxx, s. 16); Lytham St. Anne's (c. lxxxvi, s. 339); Plymouth (c. lxxviii, s. 152); Southern Railway (c. lxxxiii, s. 50).

War Service, reckoning of by municipal officer. *See* Lytham St. Anne's (c. lxxxvi, s. 253 (4)).

Wareham R.D.C. *See* Bournemouth-Swanage Motor Road and Ferry (c. lxxxviii, ss. 88 (3), 98).

Watchet. *See* West Somerset Mineral Railway.

Water Supply, &c. *See* Airdrie and Coatbridge District Water Board (c. li); Barnsley (c. lxxxix, pt. ii); Bath (c. xl, sched.); Birkenhead (c. lxxi, pt. ii); Bradford (c. xli, sched.); Broadstairs and St. Peter's U.D.C. (c. xc, pt. ii); Calne (c. xliii); Chelmsford Corporation

Chap.

Water Supply, &c.—*cont.*
(c. xci); Chesterfield (c. xcix, pt. iv); Ebbw Vale (c. xii); Frimley and Farnborough (c. xlii); Hoylake and West Kirby (c. xxi); Macclesfield (c. cvi, pt. iii); Mid Kent (c. lxxix); Mid-Sussex (c. xli, sched.); Morley (c. cv, pt. iii); North Berwick (c. liv, sched. (8)); Nottingham (c. c, pt. v); Oldham and Rochdale Corporations (c. lxxvii); Plymouth (c. lxxviii, pt. ii); Poole (c. lxiii, sched.); Rotherham (c. xxxviii, sched.); Runcorn (c. x); Rugby (c. lxxv, pt. iii); Sheffield (cc. v and lxiii, sched.); South Oxfordshire (c. ii); Stourbridge (c. xli, sched.); Tees Valley (c. xxxiii); Tunbridge Wells (c. xxxvi, sched.); Wakefield (c. xciii); West Gloucestershire (c. lxxvi).

Waterloo-with-Seaforth U.D.C. protected. c. xxiii, s. 14 (Mersey Docks).

Wath-upon-Dearne Order (land purchase) - - xxxvii, sched.

West Bromwich Corporation (rates) - - - - lxxxi

West Gloucestershire Water (works, borrowing, finance) - lxxvi

West Hartlepool Corporation (trolley vehicles, &c.) - - xcv

West Hartlepool Order (weighbridge tolls) - - xxxv, sched.
And see Hartlepool.

West Kirby. *See* Hoylake and West Kirby Gas and Water (c. xxi).

West Riding of Yorkshire County Council (Drainage) - xcviii

———— County Council protected. *See* c. xxiv, s. 42 (South Elmsall Gas); c. lxxxii, s. 14 (London Midland and Scottish Railway); c. lxxxix, s. 10 (Barnsley); c. cv, s. 19 (Morley).
And see Yorkshire Rivers Board.

West Somerset Mineral Railway (Abandonment) - - xciv

Westminster City Council (Cleveland Street Infirmary) - viii

———————— protected. *See* c. ciii, s. 34 (London Electric Railway).

Weymouth and Portland Railway Co. agreement. c. xxx, s. 58, sch. 4 (Great Western Railway).

Whitgift Hospital saved. *See* Croydon Corporation (c. xcii, ss. 5 (*a*), 14).

Wigan Order (finance) - - - - xxxix, sched.

Willenhall Order (land purchase) - - - lxiv, sched.

William Brown Nimmo Charitable Trust Order Confirmation i

Williton R.D.C. *See* West Somerset Mineral Railway (Abandonment) (c. xciv, s. 8).

Wimbledon and Sutton Railway (lands, works, capital, &c.) - xcvii

Wimbledon. Borough powers (Wimbledon Park Estate) iv, sched.

———— Corporation protected. c. ci, s. 34 (City and South London Railway).

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Windsor Castle amenities protected. c. xxx, ss. 47–8 (Great Western Railway).

Wirral Railway protected. *See* Hoylake and West Kirby Gas and Water (c. xxi, s. 130).

——— R.D.C. protected. *See* Birkenhead (c. lxxi, ss. 33–4).

——— Waterworks. *See* Birkenhead (c. lxxi, s. 29).

Wittenham, Lord, protection of. *See* Goole Order (c. lxiii, sched.)

Wokingham. *See* Lucas's Hospital Charity (c. lvi).

Worcester and Hereford Railway, new junction with. *See* c. xxx, s. 5 (Great Western Railway).

Worcestershire Electric Power. *See* Shropshire.

Y.

Yarmouth Corporation, agreement between Midland and Great Northern Railway Joint Committee and lxxxii, s. 39, sched. 2

York, protection for Corporation. c. xcviii, s. 39 (West Riding, &c., Drainage).

Yorkshire Rivers Board (West Riding) protected. c. lxxvii, s. 23 (Oldham and Rochdale Water).

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